

Current Conditions of Voting Rights Discrimination

Mississippi

A Report Prepared by

SOUTHERN POVERTY LAW CENTER

for submission by The Leadership Conference on Civil and Human Rights

House Committee on the Judiciary

**OVERSIGHT OF THE VOTING RIGHTS ACT: POTENTIAL LEGISLATIVE
REFORMS**

August 16, 2021

FREEDOM SUMMER, SHELBY COUNTY, & BEYOND:

MISSISSIPPI'S CONTINUED RECORD OF
RACIAL DISCRIMINATION IN VOTING, THE TIRELESS
MISSISSIPPINIANS WHO PUSH FORWARD, & THE
CRITICAL NEED TO RESTORE THE VOTING RIGHTS ACT



REPORT TO THE HOUSE COMMITTEE ON THE JUDICIARY
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& the Critical Need to Restore the Voting Rights Act**

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ABOUT THE SOUTHERN POVERTY LAW CENTER

The Southern Poverty Law Center is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. For more information, visit www.splcenter.org.

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For the Southern Poverty Law Center: Caren E. Short & Rachel Knowles

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Executive Summary and Introduction

Mississippi has the highest percentage of Black residents of any state in the country at 38 percent. Yet no Black candidate has been elected to statewide office in Mississippi since Reconstruction. That is because the white power structure in Mississippi has made strident and continuous efforts to prevent Black Mississippians from participating in the political process. During Reconstruction and Jim Crow, these efforts were overt and openly violent: The framers of Mississippi's 1890 Constitution openly proclaimed that their aim was to "secure permanent white intelligent rule in all the departments of the state government," and Mississippi enforced white supremacy through tactics from explicit legal impediments to Black voting, such as literacy tests, to state-sanctioned murder, including more than 650 lynchings from Reconstruction through 1950—the most of any state in the country.¹

Today, efforts to prevent Black Mississippians from voting are often more bureaucratic but remain extremely effective. Instead of paying a direct "poll tax" to vote, Black Mississippians are now required to incur the unnecessary and burdensome expense of having certain absentee ballots and applications notarized—an indirect poll tax. Instead of being asked to interpret complex legal provisions under the guise of "literacy tests" applied unevenly at the discretion of election officials, Black Mississippians are now subject to convoluted and unevenly applied voter-identification requirements. And instead of confronting efforts from state legislators to repeal the Fifteenth Amendment to the U.S. Constitution, thousands of Mississippians are disenfranchised for life based on convictions for a list of crimes originally chosen to strip the franchise from Black men.² Many of these measures appear facially neutral, but all

¹ See *United States v. Mississippi*, Answers to Interrogatories of State of Mississippi; Mrs. Pauline Basley, Circuit Clerk and Registrar of Claiborne County; J.W. Smith, Circuit Clerk and Registrar of Coahoma County; T.E. Wiggins, Circuit Clerk and Registrar of Lowndes County at 10, Civ. A. No. 3312 (S.D. Miss.), <https://clearinghouse.net/chDocs/public/VR-MS-0148-0004.pdf>; *Lynching in America: Confronting the Legacy of Racial Terror*, Equal Justice Initiative (2017), <https://eji.org/wp-content/uploads/2005/11/lynching-in-america-3d-ed-052421.pdf>.

² See *Ratliff v. Beale*, 20 So. 865, 868 (Miss. 1896) ("Restrained by the federal constitution from discriminating against the negro race, the convention discriminated against its characteristics and the offenses to which its weaker members were prone."); see also Appellant's Opening Brief on Rehearing En Banc at 27-29, *Harness v. Watson*,

have the effect—and often the intent—of preventing Black political participation in Mississippi.

Section 5 of the Voting Rights Act of 1965 (“VRA”), while it was in force, provided a powerful bulwark against these abuses by requiring Mississippi (and other jurisdictions with histories of race-based voter discrimination) to “preclear” any changes to its voting rights laws with the federal government or a federal court. Section 4(b) of the VRA provided a coverage formula that determined which jurisdictions would be subject to preclearance. In the 2013 decision *Shelby County v. Holder*, the Supreme Court struck down the statutory coverage formula in Section 4(b) as unconstitutional, and invited Congress to draft a new one based on “current conditions.”³ By striking down the coverage formula that determined whether jurisdictions would be subject to preclearance under Section 5, the *Shelby County* Court effectively rendered Section 5 inoperable. Since then, Mississippi’s government has reintroduced and reinforced many of its past discriminatory voting practices.

Updating and restoring Section 4(b)’s coverage formula is therefore necessary to safeguard Black political participation in Mississippi and promote racial equity in the state. In 2019, a bill—the John Lewis Voting Rights Advancement Act—passed the House updating Section 4(b)’s coverage formula and modernizing several existing and new provisions in Section 5 to address the current voter suppression landscape and preclearance needs. A new version of that bill is set to be introduced in Congress this year. Passage of this bill is crucial to ensuring that the VRA continues to protect Black Mississippians from disenfranchisement by the state and local officials.

This Report is divided into three parts. Part I summarizes the long history of Mississippi’s efforts to disenfranchise Black Mississippians. Part II explores in detail the current voting landscape in Mississippi and includes personal stories from impacted Mississippians. Part III discusses Mississippi’s extensive record of voting rights violations over the past 25 years, which will subject Mississippi to preclearance under the coverage formula set forth in the John Lewis Voting Rights Advancement Act (H.R. 4).

No. 19-60632 (5th Cir. July 23, 2021) (collecting evidence from historical record showing that the crimes included in Mississippi’s felony disenfranchisement statute were selected for discriminatory reasons).

³ 570 U.S. 529, 557 (2013).

I. Mississippi's History of Racial Discrimination in Voting

A. Reconstruction: Black Mississippians Assert Their Political Autonomy, and White Supremacists Violently Retake Power

Black Southerners emerged from the Civil War determined to achieve equal representation in civil and political life. At that time, most Mississippians were formerly enslaved Black people, and these citizens pursued their new rights with vigor. In 1868, Mississippians met to draft a new state constitution. Thanks to the leadership of 17 Black delegates, the so-called Black and Tan Convention produced a progressive new constitution that granted equal political representation for all citizens and equal educational opportunities for Black and white children.⁴

Like their neighbors in other former Confederate states, for a brief time Black Mississippians were able to meaningfully participate in Mississippi's politics. In the 1870s, Black voter registration was slightly higher than white voter registration in Mississippi.⁵ One third of Mississippi State senators were Black by 1875, and Black candidates won election for U.S. Congress, superintendent of education, secretary of state, and lieutenant governor.⁶ In 1870, Mississippi elected the nation's first two Black U.S. Senators, Hiram Revels and Blanche K. Bruce.⁷

Black citizens' ability to win elected office changed in the 1870s when white Mississippians, led by former confederates, violently seized back political control—a direct backlash to the modest political gains that Black Mississippians had made during the early years of Reconstruction. Known as the "Redeemers," these white

⁴ See Miss. Code Ann. § 37-13-1 (2021).

⁵ Statutory Report, *An Assessment of Minority Voting Rights in the United States at 16*, U.S. Comm'n on Civil Rights (2018), https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf.

⁶ Mississippi's Broken Education Promise – A Timeline, S. Poverty L. Ctr. (May 2017), <https://www.splcenter.org/20170523/mississippi%E2%80%99s-broken-education-promise-%E2%80%93-timeline#1800s>.

⁷ Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn't Exist*, Miss. Free Press (Apr. 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

supremacists—aided by the government of Mississippi itself—used “violence, fraud and intimidation”⁸ to keep Black men from voting or running for office. In August 1874, for example, Peter Crosby, a Black man, was elected the sheriff of Vicksburg. Shortly after his election, a violent white mob forcibly removed him from his position and appointed a white sheriff. When Black Vicksburg residents held a meeting to support Crosby, a white mob descended on the meeting and massacred hundreds of Black Mississippians, in what would later become known as the Vicksburg Massacre.⁹ In LeFlore County, white Mississippians attacked Black farmers who had formed a political organization called Colored Farmers Alliance as a counterpart to the all-white Southern Farmers’ Alliance. In response, Governor Robert Lowry called in three companies of national guardsmen, who arrested at least 40 Black farmers and killed at least 25 others.¹⁰ No white Mississippians were arrested or killed.

White Mississippians used the violence they perpetuated as a pretext to call for the legal disenfranchisement of Black Mississippians.¹¹ In 1890, Mississippi’s majority-white government hosted a second constitutional convention to repeal the egalitarian promises of the 1868 Black and Tan Convention and replace Mississippi’s existing constitution with a document that would ensure white political domination for

⁸ See Mississippi’s Broken Education Promise – A Timeline, S. Poverty L. Ctr. (May 2017), <https://www.splcenter.org/20170523/mississippi%E2%80%99s-broken-education-promise-%E2%80%93-timeline#1800s>.

⁹ *On this day – Dec. 7, 1874: Violent White Mob Massacres Black Citizens at Political Meeting in Mississippi*, Equal Just. Initiative, <https://calendar.eji.org/racial-injustice/dec/7/>; *This Day in History Dec. 7, 1874: Vicksburg Massacre*, Zinn Educ. Project, <https://www.zinnedproject.org/news/tdih/vicksburg-massacre/>.

¹⁰ See *Farmers’ Alliance and Colored Farmers’ Alliance*, Miss. Encyclopedia, <https://mississippiencyclopedia.org/entries/farmers-alliance-and-colored-farmers-alliance/>; see also William F. Holmes, *The Leflore County Massacre and the Demise of the Colored Farmers’ Alliance*, 34 *Phylon* 267 (1973), <https://www.jstor.org/stable/274185>.

¹¹ See Alec J. Blaylock, *To Suppress Riots and Insurrections: Development and Transformation in Mississippi’s State Militia, 1865-1890*, Univ. of S. Miss. Honors Theses at 51 (2021), https://aquila.usm.edu/cgi/viewcontent.cgi?article=1762&context=honors_theses.

generations. The “Mississippi Plan,” as it became known, “became the model throughout the South” for the political oppression of Black Southerners during Reconstruction.¹²

The Mississippi Constitutional Convention of 1890 had the singular goal of disenfranchising Black Mississippians and otherwise excluding them from political participation. The president of the convention, Judge Solomon Saladin Calhoun, put it succinctly: “We came here to exclude the [African American]. Nothing short of this will answer.”¹³ Judge Calhoun also made clear how the convention was to accomplish this exclusion: by restricting their right to vote. In his words, “This ballot system must be so arranged as to effect [this] object.”¹⁴ Senator James K. Vardaman, another drafter of the 1890 Mississippi Constitution, later proclaimed: “There is no use to equivocate or lie about the matter . . . Mississippi’s constitutional convention of 1890 was held for no other purpose than to eliminate the [African American] from politics. Not the ‘ignorant and vicious,’ as some of the apologists would have you believe, but the [African

¹² Ronald G. Shafer, *The ‘Mississippi Plan’ to keep Blacks from voting in 1890: ‘We came here to exclude the Negro’*, Washington Post (May 1, 2021), <https://www.washingtonpost.com/history/2021/05/01/mississippi-constitution-voting-rights-jim-crow/>.

¹³ Mississippi’s Broken Education Promise – A Timeline, S. Poverty L. Ctr. (May 2017), <https://www.splcenter.org/20170523/mississippi%E2%80%99s-broken-education-promise-%E2%80%93-timeline#1800s>. Calhoun expressed similar sentiments in an opening statement to the convention and in an article for the Times Democrat after the convention. *United States v. Mississippi*, Answers to Interrogatories of State of Mississippi; Mrs. Pauline Basley, Circuit Clerk and Registrar of Claiborne County; J.W. Smith, Circuit Clerk and Registrar of Coahoma County; T.E. Wiggins, Circuit Clerk and Registrar of Lowndes County at 8-10, Civ. A. No. 3312 (S.D. Miss.), <https://clearinghouse.net/chDocs/public/VR-MS-0148-0004.pdf>.

¹⁴ Journal of the Proceedings of the Constitutional Convention of the State of Mississippi 1890 (Jackson, Mississippi: E.L. Martin, printer to the Convention, 1890, at 9-11) (quoted in Report of Dorothy O. Pratt, Ph.D. (Aug. 1, 2018), *Harness v. Hosemann*, No. 3:17-cv-00791-DPJ-FKB, at 10 (S.D. Miss. Oct. 4, 2018), ECF No. 65-2).

American].’¹⁵ In short, Mississippi’s 1890 constitutional convention was nothing short of an open declaration of war on Black political participation in Mississippi.

The Fifteenth Amendment’s prohibition on racial discrimination in voting was a significant obstacle to the convention’s goal of barring Black Mississippians from the franchise outright, but the convention’s delegates were undeterred. At first, the delegates called for repealing the Fifteenth Amendment, which guarantees that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,”¹⁶ and which Mississippi ratified one month before its readmission to the Union in 1870.¹⁷ The delegates argued that “such restrictions and limitations may be put upon [African American] suffrage, by the several States, as may be necessary and proper for the maintenance of good and stable governments therein.”¹⁸

Perhaps realizing that Mississippi could not unilaterally repeal the Fifteenth Amendment—a duly ratified provision of the United States Constitution—the delegates of the 1890 convention eventually resolved to circumvent it. Starting from the premise that the Mississippi retained “just as large discretion in regulating the franchise as it had before [the Fifteenth Amendment’s] adoption, with the single limitation, that the regulations which it prescribes shall apply to both races,” the convention crafted restrictions on Black Mississippians’ political participation that appeared facially race-

¹⁵ Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn’t Exist*, Miss. Free Press (Apr. 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

¹⁶ U.S. Const. amend. XV.

¹⁷ Mississippi History Timeline February 3, 1870: Fifteenth amendment ratified, Miss. Dep’t of Archives & History, <https://www.mdah.ms.gov/timeline/events/fifteenth-amendment-ratified/>.

¹⁸ *United States v. Mississippi*, Answers to Interrogatories of State of Mississippi; Mrs. Pauline Basley, Circuit Clerk and Registrar of Claiborne County; J.W. Smith, Circuit Clerk and Registrar of Coahoma County; T.E. Wiggins, Circuit Clerk and Registrar of Lowndes County at 12, Civ. A. No. 3312 (S.D. Miss.), <https://clearinghouse.net/chDocs/public/VR-MS-0148-0004.pdf> (quoting Journal of the Proceedings of the Constitutional Convention of the State of Mississippi 1890, at 304 (Jackson, Mississippi: E.L. Martin, printer to the Convention, 1890)).

neutral but were intended to disenfranchise Black Mississippians. These measures did not target Black Mississippians by name; instead, they targeted the presumed characteristics of Black people and vested discretion in officials whom the delegates trusted to carry out their white-supremacist agenda. As the Mississippi Supreme Court recognized six years later: “Restrained by the federal constitution from discriminating against the [Black] race, the [1890] convention discriminated against its characteristics.”¹⁹

The resolution of one of the convention’s committees illustrates the convention’s indirect approach to disenfranchising Black Mississippians: the resolution originally called for “secur[ing] permanent white intelligent rule in all the departments of the state government,” but the committee later crossed out the word “white.”²⁰ The final resolution thus called only for “permanent intelligent rule,” but left no doubt as to its drafters’ true intentions.

The resulting new constitution featured an array of measures designed explicitly to prevent Black Mississippians from participating in the political process. Section 243 of the new constitution implemented a \$2 poll tax (the equivalent of \$59.71 in 2021), a steep price for Black working-class voters.²¹ Section 244 added a literacy test, but left the implementation of that test to the clerk’s discretion: the clerk had the power to choose which section of the state constitution a voter was required to read and explain, as well as the power to determine whether the voter’s explanation of the section was sufficient. Clerks routinely gave white voters only brief sentences to explain, while assigning Black voters long, complex passages.²² This tactic—leaving the application of a

¹⁹ *Ratliff v. Beale*, 20 So. 865, 868 (Miss. 1896).

²⁰ *United States v. Mississippi*, Answers to Interrogatories of State of Mississippi; Mrs. Pauline Basley, Circuit Clerk and Registrar of Claiborne County; J.W. Smith, Circuit Clerk and Registrar of Coahoma County; T.E. Wiggins, Circuit Clerk and Registrar of Lowndes County at 10, Civ. A. No. 3312 (S.D. Miss.), <https://clearinghouse.net/chDocs/public/VR-MS-0148-0004.pdf>.

²¹ Miss. Const. of 1890, art. 12, §§ 243–244, <http://mshistorynow.mdah.state.ms.us/articles/103/index.php?s=extra&id=270>. Current price determined by using a CPI Inflation Calculator, <https://www.in2013dollars.com/us/inflation/1890?amount=2>.

²² See Statutory Report, *An Assessment of Minority Voting Rights in the United States* at 17, U.S. Comm’n on Civil Rights (2018), <https://www.usccr.gov/pubs/2018/>

complex and ambiguous voting law to the discretion of a white clerk—presaged many of the discriminatory measures that Mississippi still employs today.

Section 241 of the 1890 constitution implemented a felony-disenfranchisement scheme that was expressly intended to target Black voters: Mississippi's constitution disenfranchised anyone convicted of nine seemingly random crimes—"bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy"—whose only commonality is that the framers of Mississippi's 1890 constitution believed that Black men were more likely to commit these crimes. As Mississippi's Supreme Court explained six years later, this list of disqualifying offenses was intended to "obstruct the exercise of the franchise by the [Black] race" by targeting "the offenses to which its weaker members were prone."²³ Notably, the new constitution's list of disqualifying crimes did *not* include violent crimes such as murder, so as not to infringe on white Mississippians' use of violence to prevent Black Mississippians from voting.²⁴ The new constitution also included (and still includes) a "restoration" provision whereby "[t]he Legislature may, by a two-thirds vote of both houses, . . . restore the right of suffrage to any person disqualified by reason of crime."²⁵ An analysis by historian Dorothy Pratt found that Mississippi's legislature invoked this provision at least 101 times in the three decades after its enactment but did not do so a single time to restore the voting rights of a Black Mississippian.²⁶

Mississippi's 1890 constitution also reversed the earlier constitution's promises of uniform schools and equal education. The revised constitution segregated Black and white students into different schools and offered wealthier white districts the

Minority_Voting_Access_2018.pdf; Bruce Hartford, *Voter Registration in Mississippi Before the Voting Rights Act*, Civil Rights Movement Archive (1955), <https://www.crmvet.org/info/ms-test.htm>.

²³ *Ratliff v. Beale*, 20 So. 865, 868 (Miss. 1896).

²⁴ *Id.* ("Burglary, theft, arson, and obtaining money under false pretenses were declared to be disqualifications, while robbery and murder and other crimes in which violence was the principal ingredient were not.").

²⁵ Miss. Const. art. 12, § 253.

²⁶ Declaration of Dorothy O. Pratt, Ph.D., *Harness v. Hosemann*, No. 3:17-cv-00791-DPJ-FKB, ¶ 11 (S.D. Miss. Oct. 25, 2018), ECF No. 77-3.

opportunity to levy taxes to improve their schools' funding.²⁷ Senator Vardaman later explained his belief, shared by other drafters, that Black children did not deserve the same educational opportunities as white children, and instead should be kept out of future positions of power by receiving only basic vocational training.²⁸

The campaign to reassert white supremacy in Mississippi succeeded. By 1890, only four Black Mississippians served in the state legislature,²⁹ and only 9,000 Black Mississippians were registered to vote (out of roughly 900,000).³⁰ As late as 1940, less than 1% of Black Mississippians were registered to vote.³¹ And although Mississippi continues to have the most Black residents of any state in the country, Mississippi has never again elected a Black candidate to statewide office.

B. Jim Crow: White Supremacy Evolves for the Twentieth Century

Efforts to suppress and disenfranchise Black voters continued to evolve in the twentieth century as Mississippi's white-dominated government invented new and subtler ways to disenfranchise Black voters and maintain white supremacy. As the Fifth Circuit observed in 1963: "the State of Mississippi has a steel-hard, inflexible,

²⁷ Miss. Const. of 1890, art. 8, §§ 206-207, <http://mshistorynow.mdah.state.ms.us/articles/103/index.php?s=extra&id=270>.

²⁸ See Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn't Exist*, Miss. Free Press (Apr. 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

²⁹ See Mississippi's Broken Education Promise – A Timeline, S. Poverty L. Ctr. (May 2017), <https://www.splcenter.org/20170523/mississippi%E2%80%99s-broken-education-promise-%E2%80%93-timeline#1800s>.

³⁰ James H. Stone, *A Note on Voter Registration Under the Mississippi Understanding Clause, 1892*, 38 J. of S. History 293 (May 1972), <https://www.jstor.org/stable/2206446>.

³¹ *Race and Voting in the Segregated South*, Constitutional Rights Found. (2021), <https://www.crf-usa.org/black-history-month/race-and-voting-in-the-segregated-south>.

undeviating official policy of segregation. The policy is stated in its laws. It is rooted in custom."³²

In the 1950s, Mississippi's government began requiring voters to state their place of work on their ballots. For Black voters, this information would be relayed to the White Citizens Council, a white supremacist movement led by Mississippi Judge Tom P. Brady that "grew to encompass virtually the state's entire white business class."³³ Armed with information about Black voters' livelihoods, the Council pressured businesses to fire any Black employees who voted by threatening to boycott businesses that did not acquiesce to these demands.³⁴

Mississippi's government also printed ballots that did not include space to state one's political party. Although facially benign, this practice was implemented for the express purpose of excluding Black Mississippians from voting or running in primaries for the Democratic party—the de facto dominant party in the state. Specifically, the omission of a voter's political party on the ballot left it to the clerk's discretion to determine whether a voter was a member of the Democratic Party, and therefore eligible to vote in a Democratic primary. White clerks usually determined that Black voters were *not* valid members of the Democratic party and excluded these voters from participating in Democratic primaries.³⁵ And because Mississippi during the 1950s was effectively a one-party state dominated by Dixiecrat-style Democrats, this practice excluded Black voters from any meaningful political participation.³⁶

Other disenfranchisement tactics proliferated throughout the 1950s and early 1960s. In 1955, the Mississippi state legislature prohibited "satellite" voter registration—

³² *United States v. City of Jackson, Miss.*, 318 F.2d 1, 5 (5th Cir. 1963) (footnote omitted).

³³ See *The Murder of Emmett Till: White Citizens' Councils*, PBS, <https://www.pbs.org/wgbh/americanexperience/features/emmett-citizens-council/>; see also Bruce Hartford, *Voter Registration in Mississippi Before the Voting Rights Act*, Civil Rights Movement Archive (1955), <https://www.crmvet.org/info/ms-test.htm>.

³⁴ See Bruce Hartford, *Voter Registration in Mississippi Before the Voting Rights Act*, Civil Rights Movement Archive (1955), <https://www.crmvet.org/info/ms-test.htm>.

³⁵ *Id.*

³⁶ *Id.*

i.e., the practice of registering to vote without going to the county courthouse—and removed the voter registration book from the county registrar’s office.³⁷ This meant that citizens had to travel, sometimes long distances, to the county courthouse to register to vote.³⁸ Black voter registration dropped from 22,000 in 1954 to 12,000 in 1955, following the implementation of those statutory provisions.³⁹ In 1960, the state legislature amended the Mississippi constitution to require “good moral character” as a qualification for voting to disenfranchise Black voters.⁴⁰ And in 1962, the state legislature instituted a procedure to challenge the moral character of any applicant.⁴¹ That year the state legislature also banned voters from receiving assistance in filling out voter registration forms; banned registrars from notifying applicants about reasons their applications were rejected; required names and addresses of all applicants to be published in the local newspaper; required the applicant to copy and interpret a section of the Mississippi constitution; and required that applications be rejected unless the forms were completely and properly filled out, including having the application form and oath signed separately.⁴² These intimidation tactics succeeded in minimizing the rate of Black voter registration: in 1964, less than seven percent of the eligible population of Black Mississippians was registered to vote.⁴³

The experience of Black Mississippi civil rights icon Fannie Lou Hamer is emblematic. Hamer first learned about her right to vote during a meeting in 1962.⁴⁴

³⁷ Mississippi Delta Report, *Radical and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination – Vol. VII*, ch. 3, U.S. Comm’n on Civil Rights (Feb. 2001), <https://www.usccr.gov/pubs/msdelta/ch3.htm>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* (The VRA was enormously successful in increasing Black voter registration. By the end of 1970, 71 percent of all eligible Black Mississippians were registered to vote.).

⁴⁴ Keisha N. Blain, *Fannie Lou Hamer’s Dauntless Fight for Black Americans’ Right to Vote*, *Smithsonian Mag.* (Aug. 20, 2020),

When she heard "'about [how] we could vote out people that we didn't want in office,'" she later recalled, "'[t]hat sounded interesting enough to me that I wanted to try it.'"⁴⁵ Hamer, at 44 years old, dedicated herself to the cause of achieving Black political representation in Mississippi and worked to register herself and other Black Mississippians to vote.⁴⁶ In August 1962, she traveled 26 miles by bus with a group of activists to register to vote.⁴⁷ The group was told they had to pass a literacy test, which involved reading and interpreting a section of the state constitution. Only Hamer and one other voter were even allowed to enter the building and take the literacy test. They were asked who they worked for and where they lived. For her test, Hamer was asked to interpret a section regarding "de facto" laws and did not pass.⁴⁸ While Hamer and the other voter submitted their applications, armed guards surrounded the bus.⁴⁹ Hamer arrived home safely, but the white owner of the plantation where she and her husband worked as sharecroppers told her that she would have to withdraw her voter registration application or leave the plantation.⁵⁰ Hamer left that night—forced to leave her family behind—and never returned.⁵¹ Days later, white supremacists fired 16 bullets into the home where she was staying, yet she remained undeterred. The following year, local police kidnapped and imprisoned Hamer. Three white men entered her jail cell, including a state highway patrolman. The men forced two Black detainees to flog her

<https://www.smithsonianmag.com/history/fannie-lou-hamers-dauntless-fight-for-black-americans-right-vote-180975610/>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ DeNeen L. Brown, *Civil rights crusader Fannie Lou Hamer defied men — and presidents — who tried to silence her*, Wash. Post (Oct. 6, 2017), <https://www.washingtonpost.com/news/retropolis/wp/2017/10/06/civil-rights-crusader-fannie-lou-hamer-defied-men-and-presidents-who-tried-to-silence-her/>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

with a blackjack, and afterwards the police officers beat Hamer themselves. The assault left her nearly blind in one eye and with permanent kidney damage.⁵²

C. Black Mississippians Push for Political Representation During “Freedom Summer”

After decades of violent political oppression and disenfranchisement at the hands of the white supremacist-controlled state legislature, Black Mississippians and their allies around the country forcefully and collectively asserted their political autonomy. During the “Freedom Summer” of 1964, Black activists led a grassroots campaign to highlight oppression in Mississippi, fight racist barriers to voter registration, and enable Black Mississippians to register to vote and participate in the political process. Thousands of volunteers turned out to help voter registration efforts, and these volunteers established integrated “Freedom Schools” to provide education to low-income and disenfranchised Black children and adults.⁵³ That summer, nearly 17,000 Black residents in Mississippi attempted to register to vote. Yet despite these citizens’ concerted efforts to claim the franchise, only 1,600 applications were accepted due to Mississippi’s brutally effective array of laws and policies described above aimed at preventing Black voter registration.⁵⁴

White backlash to Freedom Summer was immediate, fierce, and deadly. Robert Moses, who worked with Northern white student volunteers to organize voter registration drives across the state that summer, warned volunteers that they should expect arrest and other reprisals.⁵⁵ His predictions proved correct: seven participants were killed, more than a thousand participants were arrested by openly hostile local

⁵² Keisha N. Blain, *Fannie Lou Hamer’s Dauntless Fight for Black Americans’ Right to Vote*, Smithsonian Mag. (Aug. 20, 2020), <https://www.smithsonianmag.com/history/fannie-lou-hamers-dauntless-fight-for-black-americans-right-vote-180975610/>.

⁵³ See William Sturkey, *The 1964 Mississippi Freedom Schools*, Miss. Historical Society (May 2016), <http://www.mshistorynow.mdah.ms.gov/articles/403/The-1964-Mississippi-Freedom-Schools>.

⁵⁴ The Martin Luther King, Jr. Research & Educ. Inst., *Freedom Summer*, Stanford Univ., <https://kinginstitute.stanford.edu/encyclopedia/freedom-summer>.

⁵⁵ *Id.*

police, dozens were beaten and assaulted, and more than 50 Black churches and homes were bombed or burned.

The white violence that beset Mississippi's Freedom Summer reached a climax after the Ku Klux Klan—abetted by local police—kidnapped and murdered three civil rights workers (Michael Schwerner, Andrew Goodman and James Chaney) in retaliation for their voter registration efforts. The Klan and local police forces collaborated for weeks to orchestrate the murder. On the day of the murder, a deputy sheriff pulled the three civil rights workers over and detained them while the rest of the Klan prepared. When the sheriff released the three workers, Klan members were waiting. The Klan pursued the three workers into a wooded area, tortured James Chaney (who was the one Black man of the three), killed all three men, and buried their bodies.

The premeditated murder of these civil rights workers was intended to send an explicit violent message to other Freedom Summer volunteers: voting in Mississippi was for whites only. Mississippi's state government ratified that message in the murders' aftermath: after an FBI investigation identified the killers, Mississippi refused to prosecute them, even in the face of intense national scrutiny. Ultimately, the federal government charged 18 Klan members with murder. Even this prosecution was hampered by Mississippi's white supremacist apparatus: defense attorneys used peremptory challenges to exclude all 17 potential Black jurors, leading to an all-white jury, one of whom was a former Klan member. Prosecution witnesses received numerous death threats during the trial. Ultimately, the jury convicted only seven of the 18 defendants, despite overwhelming evidence of guilt.⁵⁶

D. Congress Passes the Voting Rights Act of 1965 in Response to Systemic Racial Oppression in Mississippi and Elsewhere

Although beset by state-sanctioned white supremacist violence, Mississippi's Freedom Summer brought national attention to the stark political inequities in Mississippi and the violence suffered by Black Mississippians seeking to vote, helped galvanize the national Civil Rights Movement, and helped precipitate the enactment of the landmark Voting Rights Act of 1965. Fannie Lou Hamer gave an impassioned speech at the Democratic National Convention, where she represented the Mississippi Freedom

⁵⁶ Douglas O. Linder, *The Mississippi Burning Trial*, Univ. of Missouri-Kansas City, <http://law2.umkc.edu/faculty/projects/ftrials/price&bowers/Account.html>.

Democratic Party.⁵⁷ In her testimony, Hamer recounted the blatant discrimination, intimidation, and brutality she endured at the hands of white supremacists for trying to vote. She asked: “‘Is this America, . . . the land of the free and the home of the brave, where we have to sleep with our telephones off of the hooks because our lives be threatened daily, because we want to live as decent human beings, in America?’”⁵⁸

Hamer’s speech was one act among many by Black Americans that forced the federal government to act.⁵⁹ In 1965, the U.S. Commission on Civil Rights held hearings in Jackson to study discrimination against Black Mississippians.⁶⁰ They analyzed the literacy tests, poll taxes, and other voter disenfranchisement tactics introduced by Mississippi’s 1890 Constitution and honed by generations of white Mississippi legislators in the century and a half since its passage. The Commission also studied the overt violence that white Mississippians used to deny the franchise to the few Black Mississippians who managed to navigate the State’s labyrinth of discriminatory voting laws. The Commission concluded that federal action was needed to stop these patterns of legal impediments, economic reprisal, and physical violence that Mississippi’s government had employed to prevent Black citizens from voting.⁶¹

The Voting Rights Act of 1965 (“VRA”) was the culmination of a century-long struggle by Black Americans across the South to achieve meaningful political representation and participation in the face of extreme, often violent opposition from local and state governments. The VRA introduced several provisions designed to ensure the rights of citizens of color to register and vote. Section 2 outlawed any voting practice that resulted in the denial or abridgement of voting rights based on race, color,

⁵⁷ Keisha N. Blain, *Fannie Lou Hamer’s Dauntless Fight for Black Americans’ Right to Vote*, *Smithsonian Mag.* (Aug. 20, 2020), <https://www.smithsonianmag.com/history/fannie-lou-hamers-dauntless-fight-for-black-americans-right-vote-180975610/>.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Paul E. Joubert & Ben M. Crouch, *Mississippi Blacks and the Voting Rights Act of 1965*, 46 *J. Negro Educ.* 157, 159 (1977).

⁶¹ Mississippi Delta Report, *Radical and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination – Vol. VII*, ch. 3, U.S. Comm’n on Civil Rights (Feb. 2001), <https://www.usccr.gov/pubs/msdelta/ch3.htm>.

or language.⁶² Section 5 required certain states and localities with a history of race discrimination in voting to obtain preclearance, or approval, from the U.S. Department of Justice or a D.C. federal court before implementing any changes to voting.⁶³ Section 4 contained a formula that determined which jurisdictions would be subject to Section 5's preclearance requirements.⁶⁴

The VRA is widely considered the most effective civil rights legislation Congress has ever enacted, and it had particularly dramatic effects in Mississippi. Between 1964 and 1967, Black voter registration in Mississippi increased from 6.7 percent to 59.8 percent, largely because the VRA both eliminated Mississippi's existing racist voting laws and policies and made it more difficult for the state to devise new ways to prevent Black voter registration and political participation.

E. Mississippi Officials Continue to Find New Means to Disenfranchise Black Voters, 1965-2006

In Mississippi, the reaction of white government officials to the Voting Rights Act mirrored the reaction of white government officials to the passage of the Fifteenth Amendment nearly a century earlier: These officials initially attempted to simply disregard the VRA, but ultimately resigned themselves to trying to circumvent it by finding new ways of preventing Black Mississippians from participating in civic life. As the Supreme Court observed in 1971: "The history of white domination in the South has been one of adaptiveness, and the passage of the Voting Rights Acts and the increased

⁶² See 52 U.S.C. § 10301; see also Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 477 (2008), https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/05_Mississippi_Macro.pdf.

⁶³ Voting Rights Act of 1965, Pub. L. No. 89-110, § 5, 79 Stat. 438.

⁶⁴ *Id.* § 4, 79 Stat. 438; Kevin Coleman, *The Voting Rights Act of 1965: Background and Overview* at 16, Congressional Research Serv. (July 20, 2015), <https://fas.org/sgp/crs/misc/R43626.pdf>.

black registration that followed has resulted in new methods to maintain white control of the political process.”⁶⁵

In the immediate wake of the passage of the VRA, Mississippi officials simply refused to comply with their obligations under Section 5.⁶⁶ During the 1966 legislative session, Mississippi’s all-white legislature enacted a raft of voting legislation making it more difficult for Black Mississippians to vote and run for office.⁶⁷ These laws provided, among other things, that (1) members of county boards of supervisors would be elected at-large at the option of incumbent boards; (2) independent candidates in general elections would be subject to increased requirements to qualify for those elections; and (3) the county superintendent of education in specific counties would be appointed, rather than elected.⁶⁸ In outright defiance of the VRA, Mississippi refused to submit these laws to the federal government for preclearance. In 1969, after Black voters and candidates in Mississippi filed lawsuits seeking judgments that these amendments to Mississippi’s election laws and procedures were subject to the preclearance requirements of Section 5, the Supreme Court ruled in *Allen v. State Board of Elections* that the Mississippi laws at issue were “voting qualification[s] or prerequisite[s] to voting, or standard[s], practice[s], or procedure[s] with respect to voting” subject to preapproval, and remanded the cases with instructions to issue injunctions restraining further enforcement of the enactments until such time as Mississippi adequately demonstrated compliance with the approval requirements of the VRA.⁶⁹ After *Allen*, Mississippi officials finally submitted the three laws that were the subject of that case; in

⁶⁵ *Perkins v. Matthews*, 400 U.S. 379, 389 (1971) (internal quotation marks omitted).

⁶⁶ Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 478-79 (2008), https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/05_Mississippi_Macro.pdf.

⁶⁷ See Frank Parker, *Black Votes Count: Political Empowerment in Mississippi After 1965*, Univ. N.C. Press (1990), https://www.jstor.org/stable/10.5149/9780807869697_parker.

⁶⁸ See *Allen v. State Bd. of Elections*, 393 U.S. 544, 550-51 (1969); see also *Legislative History of the Voting Rights Act Amendments of 1970* P.L. 91-285, at CRS-7, Congressional Research Serv.

⁶⁹ *Allen v. State Bd. of Elections*, 393 U.S. 544, 563-72 (1969).

1969, the Department of Justice (“DOJ”) objected to all three on grounds that they would impede Black residents’ ability to participate in the political process.⁷⁰

Mississippi officials remained undeterred. They continued to defy the VRA by enacting dozens of racially discriminatory voting laws, many of which were only slight variations on the 1966 laws to which DOJ had already objected, such as imposing additional requirements on candidates for election.⁷¹ Mississippi officials also redrew district lines to dilute Black political power.⁷² In 1966, 1971, and 1981, for example, Mississippi’s legislature redrew congressional district lines in three out of its five districts to create majority-white districts, resulting in no districts in the state with a Black majority.⁷³

Section 5 of the VRA proved to be an effective—and necessary—tool to combat these abuses. In fact, DOJ issued 169 objections to voting changes in Mississippi between 1965 and 2006.⁷⁴ The majority of these objections (104) related to redistricting plans, although DOJ also objected to a panoply of other measures related to at-large elections, candidate qualification requirements, polling place relocations, open primary laws, and other laws specifically targeted to disenfranchising Black voters and diluting Black political power.

In 1981, for example, the government of Holly Springs, Mississippi, a majority-Black city, redrew its four districts in a manner that drastically reduced Black voting

⁷⁰ See *Legislative History of the Voting Rights Act Amendments of 1970* P.L. 91-285, at CRS-16-18, Congressional Research Serv.

⁷¹ Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 479 (2008); 115 Cong. Rec. 38,123, 38,495 (1969).

⁷² Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 479-80 (2008), https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/05_Mississippi_Macro.pdf; *Legislative History of the Voting Rights Act Amendments of 1970* P.L. 91-285, App’x I at A-12 (1970).

⁷³ Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 485 (2008), https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/05_Mississippi_Macro.pdf.

⁷⁴ See *id.* at 479.

strength.⁷⁵ Government officials drew these lines to place most of Holly Springs's Black residents into two overpopulated—and, therefore, underrepresented—districts, while most of the white residents were put into the other two districts, which were underpopulated.⁷⁶ DOJ objected to this redistricting plan in 1981 because 1980 Census data indicated that the districts were malapportioned, "with the burden of this malapportionment falling on the black electorate."⁷⁷

Similarly, in 1991, the Mississippi legislature adopted redistricting plans for the Mississippi House and Mississippi Senate.⁷⁸ During the legislature's deliberations concerning the plans, legislators rejected proposed alternative plans that would have given Black voters greater opportunity to elect representatives of their choice, referring to one such alternative on the House floor as the "Black plan" and privately as "the n-plan."⁷⁹ DOJ objected to the plans and denied preclearance, noting that there were significant indications that a racially discriminatory purpose was at play, including the fact that the legislature had turned away alternatives under which "reasonably compact and contiguous districts could be drawn in a number of additional areas of the State in which black voters usually would be able to elect representatives of their choice," and the fact that "support for the [legislature's plan] and opposition to alternative suggestions were sometimes characterized by overt racial appeals."⁸⁰ The legislature drew new redistricting plans in 1992 to cure the Section 5 defects; DOJ precleared the new House plan, but objected once again to the Senate plan, and specifically to districts

⁷⁵ S. Rep. No. 97-417, at 11 (1982).

⁷⁶ *Id.*

⁷⁷ Letter from James P. Turner, Acting Ass't Att'y Gen., to William C. Spencer, Esq. at 2 (June 9, 1981), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/MS-1550.pdf>.

⁷⁸ See Letter from John R. Dunne, Ass't Att'y Gen., to Hon. Hainon A. Miller (July 2, 1991), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/MS-2160.pdf>; *Watkins v. Mabus*, 771 F. Supp. 789, 792 (S.D. Miss.), *aff'd in part, vacated in part*, 502 U.S. 954 (1991).

⁷⁹ S. Rep. No. 109-295, at 14 (2006).

⁸⁰ See Letter from John R. Dunne, Ass't Att'y Gen., to Hon. Hainon A. Miller at 1-3 (July 2, 1991), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/MS-2160.pdf>.

drawn for southwest Mississippi.⁸¹ After the legislature amended the Senate plan for that area, DOJ precleared the new plan.⁸² Mississippi held special elections under the new, precleared plans in 1992, resulting in increased Black representation in the House and Senate: 33 Black citizens were elected to the 122-member House (27%), and ten Black candidates were elected to the 52-member Senate (19%).⁸³

Congress recognized the crucial role that the VRA was playing in protecting Black voters from discrimination and disenfranchisement. Congress voted on a bipartisan basis to reauthorize, expand, and extend the VRA's coverage five times between 1970 and 2006. In 1970, Congress amended the VRA to extend Section 5 coverage for an additional five years.⁸⁴ The 1970 amendments also included a ban on literacy tests for an additional five years. In 1975, Congress extended the VRA for seven years and issued a permanent ban on any literacy tests or similar devices.⁸⁵ In this session, Congress emphasized the importance of protecting voters of color and expanding the VRA's coverage to "protect such citizens from effective disfranchisement" because racial discrimination in voting remained "'pervasive and national in scope.'"⁸⁶ In 1982, Congress reauthorized the VRA for 25 additional years, and also amended Section 2 to provide that a plaintiff could establish that proof of discriminatory intent was not required; rather, "a plaintiff could establish a violation of the section if the evidence established that, in the context of the "'totality of the circumstance of the local electoral process,'" the standard, practice, or procedure being challenged had the result of

⁸¹ Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 *Rev. L. & Soc. Just.* 475, 487 (2008), https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/05_Mississippi_Macro.pdf.

⁸² *Id.*

⁸³ *Id.*

⁸⁴ House Committee on the Judiciary, 97th Cong., Rep. No. 97-227, *Voting Rights Act Extension* (1981).

⁸⁵ *Id.*

⁸⁶ *Id.*

denying a racial or language minority an equal opportunity to participate in the political process.”⁸⁷ And in 2006, Congress again reauthorized the VRA for another 25 years.⁸⁸

Thwarted by the VRA in their attempts to implement discriminatory voting laws, white Mississippians often resorted to non-legal (and illegal) tactics to prevent Black Mississippians from participating in government. Many of these strategies were ripped from the same playbook as the disenfranchisement tactics that proliferated in Mississippi throughout the 1950s and early 1960s. In some cases, white Mississippians threatened Black citizens with economic reprisals if they registered to vote.⁸⁹ In other instances, “the city clerk was not available to register voters except at the most inconvenient hours for working people,” and “polling places were changed without publicity, names on registration lists marked as already voted when in fact they did not, names simply removed from the list, and registration lists made inaccessible in advance of the election in order to discourage challenges of unqualified voters.”⁹⁰ Despite the VRA’s successes in preventing Mississippi officials from passing discriminatory voting laws, these tactics were effective, and continue to reverberate today. To this day, Mississippi has not elected a single Black candidate to statewide office since Reconstruction. And from 1883 to 1986—more than one hundred years—no Black Mississippian was elected to the U.S. House of Representatives.

II. Modern Race-Based Voter Discrimination in Mississippi and the Critical Need for a Restored Voting Rights Act

A. Black Mississippians Suffer Systemic Racial Discrimination in All Facets of Life

Since the ratification of the Fifteenth Amendment, Mississippi state officials have disenfranchised Black voters through facially neutral measures that are targeted at the presumed “characteristics” of Black Mississippians and are intended to disproportionately burden Black voters. For this reason, it is impossible to fully understand modern race-based voting discrimination in Mississippi without first

⁸⁷ Voting Rights Act Amend. of 1982, Pub. L. No. 97-205, 96 Stat. 131, 134.

⁸⁸ Voting Rights Act Reauthorization and Amend. Act of 2006, Pub. L. No. 109-246, 120 Stat. 577.

⁸⁹ 115 Cong. Rec. 38,123, 38,502 (1969).

⁹⁰ *Id.* at 38,503.

understanding the larger context in which such discrimination occurs and the vast racial inequities that pervade virtually facet of daily life in Mississippi.

In Mississippi, racist policies and practices exist everywhere, from housing, economics, and education, to infrastructure, healthcare, and interactions with the criminal legal system. Practices like discriminatory mortgage lending; the operation of functionally segregated schools where under-resourced, majority-Black schools significantly under-perform majority-white schools; and medical racism contribute to a Mississippi where Black residents, overall, are less wealthy, receive less formal education, and have less access to quality healthcare than their white counterparts.

Importantly, economic discrimination and voting discrimination in Mississippi reinforce one another: Mississippi's white elected officials craft voting legislation that targets economically disadvantaged Black voters, preventing them from exercising their political voices. As a result, these Black voters cannot effectively mobilize to remedy the economic oppression that confronts them each day, leading to even worse disparities in wealth, education, and healthcare.⁹¹

1. Housing and Lending Discrimination

Racial discrimination in housing and lending contributes to Mississippi's systemic racial inequalities. Housing and lending discrimination make it harder for Black Mississippians to build wealth, and this economic inequality, in turn, depresses electoral participation and influence.

For example, racist "redlining" policies continue to contribute to homeownership disparities in Mississippi, despite having been made illegal in 1968 under the Fair Housing Act. Introduced in 1935, these policies allowed banks and mortgage lenders to deny loans based strictly on the borrower's race and where they lived; the Corporation drew literal red lines on maps to delineate high-risk lending areas.⁹² Although Congress

⁹¹ Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn't Exist*, Miss. Free Press (Apr. 30, 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

⁹² Calandra Davis & Sara Miller, *A Dream Deferred: The Lasting Legacy of Racist Redlining In Mississippi And The Deep South*, Miss. Free Press (Apr. 8, 2021),

prohibited these practices more than 50 years ago, their effects reverberate today. While today's lenders no longer make or deny loans based on overtly racist redlined maps, formerly redlined neighborhoods continue to be more likely than other areas to comprise lower-income residents and communities of color; in other words, redlining policies have locked affected neighborhoods into a cycle of concentrated poverty and inequality.⁹³ Data show that 30 percent of loans originated to Black households in Mississippi between 2004 and 2008 had either completed foreclosure by 2012 or were at imminent risk of foreclosure, compared with a 12% foreclosure rate for white households who received loans during that time period.⁹⁴ Black homeownership has only continued to decline since the recession.

Another contributing factor to racial inequalities in homeownership is disparities in mortgage denial rates. For Black residents in Mississippi earning more than \$150,000, the mortgage denial rate is higher than the denial rate of white residents earning between \$30,000 and \$50,000. In other words, a Black household earning three times the income of a white household still faces a higher denial rate when applying for a mortgage.⁹⁵

The significant racial gap in homeownership in Mississippi hinders Black Mississippians' ability to build wealth.⁹⁶ For example, foreclosures on Black-owned

<https://www.mississippifreepress.org/11089/a-dream-deferred-the-lasting-legacy-of-racist-redlining-in-the-deep-south/>.

⁹³ Tracy Jan, *Redlining Was Banned 50 Years Ago. It's Still Hurting Minorities Today*, Wash. Post (Mar. 28, 2018), <https://www.washingtonpost.com/news/wonk/wp/2018/03/28/redlining-was-banned-50-years-ago-its-still-hurting-minorities-today/>.

⁹⁴ Calandra Davis & Sara Miller, *A Dream Deferred: The Lasting Legacy of Racist Redlining In Mississippi And The Deep South*, Miss. Free Press (Apr. 8, 2021), <https://www.mississippifreepress.org/11089/a-dream-deferred-the-lasting-legacy-of-racist-redlining-in-the-deep-south/>.

⁹⁵ *Id.*

⁹⁶ See Michele Lerner, *One Home, a Lifetime of Impact*, Wash. Post (July 23, 2020), <https://www.washingtonpost.com/business/2020/07/23/black-homeownership-gap/>.

homes between 2004 and 2008 resulted in \$352 million in lost wealth from communities of color in Mississippi.⁹⁷

Studies show that homeowners' median net worth is 80 times renters' median net worth. Because Black Americans are less likely to own homes than their white counterparts (nationwide, only 44% of Black households are homeowners, as compared to 73.7% of white households), Black Americans also tend to have less wealth: the median household net worth for Black households is \$12,780, compared to \$139,300 for white households.⁹⁸ And because the benefits of homeownership include the ability to pay off a mortgage, live rent-free in retirement, and to have an asset (*i.e.*, wealth) to pass on to future generations, these disparities have generational impacts.⁹⁹

These economic inequalities directly impact political participation and influence. Simply put, wealthier Americans are more likely to vote than poorer Americans.¹⁰⁰ Studies suggest that this may be due to a link between the improved education and social ties in childhood that wealthier Americans are more likely to have enjoyed and higher voter propensity in adulthood.¹⁰¹ Families with less wealth also tend to face challenges that can depress voter turnout, such as lack of paid time off from work, higher rates of moving residences, unreliable transportation, and unstable child care arrangements.¹⁰²

Because elected officials are only truly accountable to those who vote, an electorate that skews rich and white results in policymakers who are more responsive to

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ David Mitchell, Austin Clemens, & Shanteal Lake, *The Consequences of Political Inequality and Voter Suppression for U.S. Economic Inequality and Growth*, Wash. Ctr. for Equitable Growth (Feb. 3, 2021), <https://equitablegrowth.org/research-paper/the-consequences-of-political-inequality-and-voter-suppression-for-u-s-economic-inequality-and-growth/?longform=true>.

¹⁰¹ *Id.*

¹⁰² *Id.*

the concerns and interests of already-privileged citizens.¹⁰³ Conversely, access to the polls has been definitively linked with inequality-fighting economic policy.¹⁰⁴ The political underrepresentation spurred by racial housing inequalities thus entrenches disparities and the very systems and policies that created and sustain them. The racial gap in homeownership and wealth also contributes to other systemic inequalities in Mississippi, such as the inequalities in public education and access to infrastructure improvements discussed below.

2. Racial Disparities in Education

Stark racial inequalities in Mississippi's education system have also had devastating effects on Black political participation in Mississippi. Lower educational levels are strongly linked to low voter turnout and decreased ability to participate meaningfully in the political process.¹⁰⁵ And in Mississippi, racial disparities in public education and educational attainment are pervasive. Indeed, as of December 2020—more than 60 years after the Supreme Court ordered the desegregation of public schools in *Brown v. Board of Education*—nearly half Mississippi's school districts (59 of 130) are still subject to a desegregation order or voluntary agreement with a federal or state court or agency for failure to adequately address segregation.¹⁰⁶

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ Rachel Milstein Sondheimer & Donald P. Green, *Using Experiments to Estimate the Effects of Education on Voter Turnout*, 54 Am. J. Pol. Sci. 174 (2010); Meaghan Field, *Voting Equality and Educational Equality: Is the Former Possible Without the Latter and Are Bilingual Ballots A Sensible Response to Education Discrimination?*, 17 Wash. & Lee J.C.R. & Soc. Just. 385, 386 (2011).

¹⁰⁶ Halley Potter & Michelle Burris, *Here is What School Integration in America Looks Like Today*, The Century Found. (Dec. 2, 2020), <https://tcf.org/content/report/school-integration-america-looks-like-today/?agreed=1#data> (full dataset available at https://docs.google.com/spreadsheets/d/1khP9hfkFJiHq4ihhRZm6YyBQVz_Cl60W/edit#gid=75719063). Number of Mississippi school districts taken from District Directory, Miss. Dep't of Educ., <https://www.mdek12.org/dd>.

Cleveland, Mississippi's school district is one such example. Cleveland's Black and white residents are physically segregated by the railroad track that runs through town; the Black community lives on the east side of the tracks, while the white community lives on the west side. Despite a 50-year legal saga and repeated promises to integrate, the schools on the east side of the railroad tracks remained all or virtually all Black. In May 2016, a federal judge ordered Cleveland, yet again, to desegregate by merging its two high schools.¹⁰⁷ Cleveland finally complied with the court's order and merged the two schools, but white enrollment dropped precipitously shortly thereafter,¹⁰⁸ and problems remain. In the five years since the court's order, Black students have sued the school twice, claiming that the administration altered grade point averages on two separate occasions to give valedictorian and salutatorian honors to white students because they "feared white flight."¹⁰⁹ In the second of these lawsuits (filed in 2019), Black student Olecia James alleged that salutatorian honors were given to a white student with a lower GPA than hers, and that she was subsequently given a new grade report with lower grades.¹¹⁰

Mississippi's segregated schools not only deprive students of their constitutionally guaranteed right to an integrated education; they also deprive students of equal educational opportunities. Because a significant portion of public-school

¹⁰⁷ Camila Domonoske, *After 50-Year Legal Struggle, Mississippi School District Ordered to Desegregate*, NPR (May 17, 2016), <https://www.npr.org/sections/thetwo-way/2016/05/17/478389720/after-50-year-legal-struggle-mississippi-school-district-ordered-to-desegregate>; see also Edwin Rios, *A Mississippi Town Finally Desegregated its Schools, 60 Years Late*, Mother Jones (Nov./Dec. 2017), <https://www.motherjones.com/politics/2017/10/a-mississippi-town-finally-desegregated-its-schools-60-years-late/>.

¹⁰⁸ Jeff Amy, *School desegregation isn't 'ancient history': What has happened in Cleveland, Miss.?*, Miss. Clarion Ledger (July 15, 2019), <https://www.clarionledger.com/story/news/politics/2019/07/15/school-desegregation-consolidation-cleveland-ms-district-consolidation-presidential-politics/1714756001/>.

¹⁰⁹ Alissa Zhu, *Black student robbed of salutatorian because district feared white flight, lawsuit alleges*, Miss. Clarion Ledger (May 3, 2019), <https://www.clarionledger.com/story/news/2019/05/02/lawsuit-black-student-lost-salutatorian-because-discrimination-white-flight-cleveland-mississippi/3622219002/>.

¹¹⁰ *Id.*

funding relies on the local tax base, educational inequalities in lower-income neighborhoods—which, because of housing inequalities such as those described above as well as other factors, are more likely to be predominantly Black—are stark. In May 2017, Black parents—on behalf of their minor children, and represented by the Southern Poverty Law Center, among others—brought suit in federal court on behalf of Black students and parents alleging that the State had violated its obligation to maintain a uniform system of free public schools.¹¹¹ As the plaintiffs explained in their complaint, “[m]ore than 100 years since Reconstruction and 66 years after *Brown v. Board*, Mississippi continues to operate two types of schools: high-performing schools for white children and failing schools for Black children.”¹¹² In fact, “80 percent of Mississippi’s highest-performing school districts are majority-white, and all of its failing school districts are majority-Black.”¹¹³ Raines Elementary School in Jackson, Mississippi is one such failing school. At Raines, “African American children make up 99.1 percent of the student body.”¹¹⁴ “[O]nly 10.6 percent of Raines students are proficient in reading, and only 4 percent of Raines students are proficient in math.”¹¹⁵ And the school itself is “‘old, dark, and gloomy—like a jail’”; “[t]he ceilings are covered in wet spots,” “the paint is chipping off the walls,” and the school building itself “is too small to accommodate all the children.”¹¹⁶ So long as a vast number of Mississippi schools remain separate and unequal, Black children will continue to be subjected to an educational system that suppresses their political participation.

¹¹¹ See Complaint, *Williams v. Bryant*, No. 3:17-cv-404 WHB-LRA, 2017 WL 2255288 (S.D. Miss. May 23, 2017).

¹¹² *SPLC: Fifth Circuit Decision Affirms Parents’ Right to Sue Mississippi for a Uniform Public Education System*, S. Poverty L. Ctr. (Dec. 8, 2020), <https://www.splcenter.org/presscenter/splc-fifth-circuit-decision-affirms-parents-right-sue-mississippi-uniform-public>.

¹¹³ *Id.*

¹¹⁴ Complaint ¶ 5.52, *Williams v. Bryant*, No. 3:17-cv-404 WHB-LRA, 2017 WL 2255288 (S.D. Miss. May 23, 2017).

¹¹⁵ *Id.*

¹¹⁶ *Id.* ¶ 5.53.

3. Racial Disparities in Healthcare

Racial health disparities in Mississippi are also a driver of unequal access to the political process. Studies demonstrate that ill health is associated with low voter participation.¹¹⁷ For example, people with health challenges may have weakened social networks, and weak social networks are shown to reduce voting.¹¹⁸ In addition, people experiencing health challenges may have less access to or ability to avail themselves of resources that would otherwise prompt them to vote, such as community spaces where voter registration or turnout efforts may take place.¹¹⁹ Once again, this creates a vicious cycle of inequality: poor access to quality healthcare is associated with lower civic participation, which in turn leads to inequitable health policy that entrenches systemic racism in the health care system.¹²⁰

One example is Mississippi's failure to adopt the Affordable Care Act's Medicaid expansion, which would expand Medicaid coverage for most low-income adults to 138 percent of the federal poverty level.¹²¹ Although Medicaid expansion was a central issue in the 2019 Mississippi gubernatorial election, current Republican Governor Tate Reeves opposes Medicaid expansion; as a result, the state will probably not take it up through legislation during Tate's term.¹²² Medicaid expansion is critical because it has been

¹¹⁷ Jeremy Adam Smith & Teja Pattabhiraman, *How Inequality Keeps People from Voting*, Greater Good Mag. (Oct. 29, 2020), https://greatergood.berkeley.edu/article/item/how_inequality_keeps_people_from_voting.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Status of State Action on the Medicaid Expansion*, Kaiser Family Found. (July 23, 2021), <https://www.kff.org/health-reform/state-indicator/state-activity-around-expanding-medicaid-under-the-affordable-care-act/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

¹²² *Status of State Medicaid Expansion Decisions: Interactive Map*, Kaiser Family Found. (July 23, 2021), <https://www.kff.org/medicaid/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/>.

shown to help narrow racial disparities in health coverage by, for example, decreasing the gap in access to coverage and affordability of care between Black and white patients, and by narrowing disparities in health outcomes for Black patients, particularly related to infant and maternal health.¹²³

Medical racism also contributes to worse health outcomes for Black individuals. Black Americans receive less care, and often worse care, than white Americans due to lower rates of health coverage, communication barriers, racial stereotyping by medical professionals, and distrust in the medical system amongst Black Americans driven by generations of institutionalized racism in health care and the medical establishment's history of inflicting harm on Black people in the name of science, including the legacy of the Tuskegee syphilis study.¹²⁴ As a result, Black patients have worse health outcomes than white patients; for example, they receive lower-quality health services for cancer, HIV, prenatal care, and preventative care, and they are less likely to receive treatment for ailments like cardiovascular disease.¹²⁵

The health disparities driven by unequal policies and medical racism are apparent in Mississippi. Black Mississippians have higher rates of obesity, invasive cancer, renal disease, infant mortality, HIV, heart disease, hypertension, stroke, diabetes, and cancer than white Mississippians.¹²⁶ Black Mississippians also have access to worse healthcare than white Mississippians: For example, as compared to white Mississippians, Black Mississippians less frequently have health insurance, visit the dentist, and receive flu and pneumonia vaccinations.¹²⁷

¹²³ Madeline Guth, Samantha Artiga, & Olivia Pham, *Effects of the ACA Medicaid Expansion on Racial Disparities in Health and Health Care*, Kaiser Family Found. (Sept. 30, 2020), <https://www.kff.org/report-section/effects-of-the-aca-medicaid-expansion-on-racial-disparities-in-health-and-health-care-issue-brief/>.

¹²⁴ Austin Frakt, *Bad Medicine: The Harm That Comes From Medicine*, N.Y. Times (Jan. 13, 2020), <https://www.nytimes.com/2020/01/13/upshot/bad-medicine-the-harm-that-comes-from-racism.html>.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

The COVID-19 pandemic has illuminated and exacerbated these systemic inequalities. Soon after the pandemic began, in April 2020, the Mississippi State Department of Health reported that Black Mississippians, despite representing only 38% of Mississippi's population, accounted for 52% of the state's COVID-19 cases and 71% of deaths.¹²⁸ And during the first few weeks of vaccine availability in the State, while surveys showed that white Mississippians were twice as likely to say they would not get vaccinated as Black Mississippians, Black Mississippians accounted for less than 15% of total vaccinations.¹²⁹ Health officials in Mississippi attributed this disparity to systemic factors that disproportionately affected vaccine availability and delivery in the parts of the state with the largest Black populations, including a lack of internet access for information and appointment scheduling.¹³⁰ These disparities have led Mississippi officials, aided by Black organizers from churches and historically Black colleges and universities, to advocate for vaccine parity, and to focus outreach efforts in areas of Mississippi with large Black populations.¹³¹

4. Systemic Racism in the Criminal Legal System

Systemic racism in Mississippi's criminal legal system also directly impacts voter participation and political power. As in other Southern states, the police force frequently operates as a tool of white supremacy; as late as 1971, "the Mississippi Highway Patrol ha[d] never in its history employed a member of the [African American] race as a sworn officer."¹³² As of April 2021, Black Mississippians make up 64% of the state's incarcerated

¹²⁸ Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn't Exist*, Miss. Free Press (Apr. 30, 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Michaela Gibson Morris, *Mississippi's Black Communities Turned Around Covid Rates. Next Up: Vaccines*, NBC News (Mar. 31, 2021), <https://www.nbcnews.com/health/health-news/mississippi-s-black-communities-turned-around-covid-rates-next-vaccines-n1268693>.

¹³² *Morrow v. Crisler*, 479 F.2d 960, 961-62 (5th Cir. 1973), *on reh'g*, 491 F.2d 1053 (5th Cir. 1974).

population yet 38% of its total population.¹³³ Black Mississippians also make up 71.5% of those serving life-without-parole sentences.¹³⁴ As is endemic in jurisdictions across the United States, implicit and explicit biases in Mississippi's criminal legal system lead law enforcement to pursue, prosecute, and convict Black Mississippians more aggressively than white Mississippians.¹³⁵ And as discussed in more detail below in Part II.B.4, Mississippi has some of the most unforgiving felony disenfranchisement laws and policies in the country, and Black Mississippians are far more likely than their white counterparts to be disenfranchised under this regime.

5. Racial Polarization and Overt Racism in Mississippi

Mississippi still clings to the racist relics of its confederate past. Mississippi did not ratify the Thirteenth Amendment (which banned slavery) until 2013.¹³⁶ For the past 30 years, Mississippi's governors have declared April "Confederate Heritage Month."¹³⁷ In 2017, the neo-confederate hate group Sons of Confederate Veterans announced that

¹³³ Adam Ganucheau, *Gov. Reeves Says There is No Systemic Racism in the Justice System. The Numbers Say Otherwise*, Miss. Today (Apr. 30, 2021), <https://mississippitoday.org/2021/04/30/gov-reeves-says-there-is-no-systemic-racism-in-the-justice-system-the-numbers-say-otherwise/>.

¹³⁴ *Id.*

¹³⁵ See *Prosecutorial Discretion and Civil Rights in Mississippi*, U.S. Comm'n on Civil Rights 18 (June 2020), <https://www.usccr.gov/files/2020-06-16-Prosecutorial-Discretion-in-Mississippi.pdf>.

¹³⁶ See Stephanie Condon, *After 148 years, Mississippi finally ratifies 13th Amendment, which banned slavery*, CBS News (Feb. 18, 2013), <https://www.cbsnews.com/news/after-148-years-mississippi-finally-ratifies-13th-amendment-which-banned-slavery/>.

¹³⁷ Lici Beveridge, *Advocacy group to Reeves: Throw Confederate Heritage Month 'into the dustbin of history'*, Miss. Clarion Ledger (Apr. 15, 2021), <https://www.clarionledger.com/story/news/politics/2021/04/15/mississippi-confederate-heritage-month-questioned-after-flag-change/7227984002/>.

then-Mississippi governor Phil Bryant was a dues-paying member of the group.¹³⁸ Like every state, Mississippi has two statues in the U.S. Capitol's Statuary Hall; Mississippi's statues are of Confederate President Jefferson Davis and James Zachariah George, a confederate politician who called slavery "'the greatest material interest of the world.'"¹³⁹ In June 2021, the United States House of Representatives voted to remove these statues over the objections of Mississippi's white delegates; only Bennie Thompson, Mississippi's sole Black U.S. Representative, voted in favor of the measure.¹⁴⁰ And until 2020, Mississippi's flag prominently featured the confederate flag. Mississippi's government steadfastly refused to change the flag throughout decades of public pressure, caving only after the NCAA initiated a boycott of all post-season sporting events in Mississippi.¹⁴¹

Racism in Mississippi also affects voter preferences. Racial bloc voting has long been a fixture of Mississippi elections, and it remains so to this day. White voters' pervasive reticence to elect Black candidates means that white majorities control the outcome of an unfair number of elections, and Black voters are elected to fewer positions than they would be in a fair system. In addition, race and political affiliation in Mississippi are largely synonymous: virtually all of Mississippi's Black residents of voting age are Democrats, and about 90% of white people in the state vote Republican, a higher share of conservative white voters than any other state.¹⁴² This trend is only

¹³⁸ Jarvis DeBerry, *Sons of Confederate Veteran Claim Mississippi governor as one of their own*, *The Times-Picayune* (July 7, 2021), https://www.nola.com/opinions/article_e740c3dc-eac9-5363-b46f-f480ba16a6ed.html.

¹³⁹ Emily Wagster Pettus, *Analysis: Mississippi Might Have to Rethink Capitol Statues*, *U.S. News & World Rep.* (July 11, 2021), <https://www.usnews.com/news/best-states/mississippi/articles/2021-07-11/analysis-mississippi-might-have-to-rethink-capitol-statues>.

¹⁴⁰ *Id.*

¹⁴¹ Nick Bromberg, *Mississippi schools can't host any NCAA championship events after NCAA broadens Confederate flag policy*, *Yahoo!Sports* (June 19, 2020), <https://sports.yahoo.com/mississippi-schools-cant-host-ncaa-championship-events-after-ncaa-broadens-confederate-flag-policy-152622647.html>.

¹⁴² Renuka Rayasam, *The Southern State Where Black Voters are Gaining Numbers, but Not Power*, *Politico* (Jan. 2, 2021), <https://www.politico.com/news/2021/01/02/mississippi-black-voters-452213>; see also

becoming more entrenched. White Mississippians have fled the Democratic Party since the state House and Senate flipped to Republican majorities in 2011; for example, currently, just five of 44 Democrats in the state House are white, and just two of the 16 Democrats in the state Senate are white.¹⁴³ Because of this polarization, both Black politicians and progressive Democratic candidates are denied seats at the table and kept from positions of power from which they could advocate for and enact the changes necessary to benefit Black communities in Mississippi.¹⁴⁴

Explicitly racist rhetoric is still commonplace among political candidates and government officials, in large part because of the correlation between political identity and race. For example, during the 2018 U.S. Senate campaign between white Republican candidate Cindy Hyde-Smith and Black Democratic candidate Mike Espy, who was vying to become the first Black candidate popularly elected to the U.S. Senate from Mississippi, Hyde-Smith brought Mississippi's ever-present history of racism and racial violence to the forefront.¹⁴⁵ Hyde-Smith's campaign bombarded Mississippi mailboxes with mailers featuring Espy's face and highlighting his race; some of those mailers misleadingly painted Espy as a criminal for charges he was fully acquitted of in the 1990s.¹⁴⁶ Speaking in front of a crowd gathered in Tupelo, Mississippi and referring to a

Tim Sullivan, *Voting while Black: In Mississippi, the Hurdles Have Changed, but Never Gone Away*, Miss. Clarion Ledger (Oct. 26, 2020), <https://www.clarionledger.com/story/news/politics/2020/10/26/voting-while-black-mississippi-many-hurdles-still-remain/3731891001/>.

¹⁴³ Renuka Rayasam, *The Southern State Where Black Voters are Gaining Numbers, but Not Power*, Politico (Jan. 2, 2021), <https://www.politico.com/news/2021/01/02/mississippi-black-voters-452213>.

¹⁴⁴ Tim Sullivan, *Voting while Black: In Mississippi, the Hurdles Have Changed, but Never Gone Away*, Miss. Clarion Ledger (Oct. 26, 2020), <https://www.clarionledger.com/story/news/politics/2020/10/26/voting-while-black-mississippi-many-hurdles-still-remain/3731891001/>.

¹⁴⁵ Jessica Taylor, *Republican Cindy Hyde-Smith Wins Miss. Senate Runoff After Racially Charged Campaign*, NPR (Nov. 27, 2018), <https://www.npr.org/2018/11/27/671358332/republican-cindy-hyde-smith-wins-miss-senate-runoff-after-racially-charged-campa>.

¹⁴⁶ Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn't Exist*, Miss. Free Press (Apr. 30, 2021),

supporter in attendance who had praised her, Hyde-Smith said: “If he [the supporter] invited me to a public hanging, I’d be on the front row.”¹⁴⁷ Hyde-Smith’s reprehensible statement was painful, alienating, and chilling—but not surprising—for Black voters steeped in their State’s long history of court-sanctioned public hangings and extrajudicial lynchings of Black people by white mobs for purported “offenses”—including attempting to vote.¹⁴⁸ Rather than apologize for her remarks, Hyde-Smith engaged in tried and true racial gaslighting, blaming Espy for calling out her language and accusing him of twisting her words for political gain.¹⁴⁹ During the campaign, details of Hyde-Smith’s past that shed further light on her alliances and beliefs also emerged. These include photos of Hyde-Smith touring the home of Confederate President Jefferson Davis posted with a caption that read “Mississippi history at its best!” and details of a measure she had pushed in the state Senate for a revisionist view of the Civil War as “The War Between the States.” Hyde-Smith nevertheless won the election by a margin of 54 to 46%.¹⁵⁰

Mississippi’s current governor, Tate Reeves, first won election to statewide office to become the state treasurer in 2003 when, at age 20, he beat a Black candidate with decades of experience in finance and ran attack ads reminding voters of his opponent’s race. In 2020 and 2021, like his predecessors, Reeves signed proclamations designating

<https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>; Ashton Pittman, *GOP Mailers Misleadingly Paint Espy as a Criminal*, Jackson Free Press (Nov. 2, 2018), <https://www.jacksonfreepress.com/news/2018/nov/02/gop-mailers-misleadingly-paint-espy-criminal/>.

¹⁴⁷ Adam Ganucheau & Larrison Campbell, *Cindy Hyde-Smith Blasted for ‘Public Hanging’ Comments; She Calls Criticism ‘Ridiculous,’* Miss. Today (Nov. 11, 2018), <https://mississippitoday.org/2018/11/11/cindy-hyde-smith-blasted-for-public-hanging-comments-she-calls-criticism-ridiculous/>.

¹⁴⁸ *Id.*

¹⁴⁹ Jessica Taylor, *Republican Cindy Hyde-Smith Wins Miss. Senate Runoff After Racially Charged Campaign*, NPR (Nov. 27, 2018), <https://www.npr.org/2018/11/27/671358332/republican-cindy-hyde-smith-wins-miss-senate-runoff-after-racially-charged-campa>.

¹⁵⁰ *Id.*

April as Confederate Heritage Month.¹⁵¹ When Fox News host Laura Ingraham asked Reeves on the penultimate day of Confederate Heritage Month 2021 to respond to a statement by President Joe Biden regarding the murder of George Floyd by a Minneapolis police officer that “we have to come together . . . to root out systemic racism in our criminal justice system,” Reeves declared: “There is not systemic racism in America.”¹⁵²

6. The Feedback Effects of Voter Discrimination and Racial Inequality

As explained in the prior sections, Mississippi’s vast systemic racial inequalities have a direct impact on political participation and create a fertile ground for Mississippi’s state and local governments to pass facially neutral voting laws that have the intent and effect of disenfranchising Black voters. At the same time, it is important to understand that voting discrimination itself engenders racial inequality. Discriminatory voting laws prevent Black communities from electing candidates who would represent their interests and advocate for changes that would improve their daily lives, such as needed improvements to infrastructure, housing, schools, and healthcare. Without a political voice, Black Mississippians cannot obtain the resources necessary to improve the circumstances that make it more difficult for them to vote in the first place.¹⁵³ Indeed, that is the point.

A recent water crisis in Jackson, Mississippi illustrates this problem. For nearly five weeks beginning in February 2021, after freezing temperatures caused pipes to burst, many residents of the 80% Black city were left without drinkable running water.¹⁵⁴ This

¹⁵¹ Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn’t Exist*, Miss. Free Press (Apr. 30, 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

¹⁵² *Id.*

¹⁵³ See Tim Sullivan, *Voting while Black: In Mississippi, the Hurdles Have Changed, but Never Gone Away*, Miss. Clarion Ledger (Oct. 26, 2020), <https://www.clarionledger.com/story/news/politics/2020/10/26/voting-while-black-mississippi-many-hurdles-still-remain/3731891001/>.

¹⁵⁴ Andre M. Perry, Joseph W. Kane, & Carl Romer, *In Jackson, Miss., A Water Crisis Has Revealed the Racial Costs of Legacy Infrastructure*, Brookings (Mar. 29, 2021),

crisis was the culmination of state leaders' refusal, for decades, to invest in Jackson's crumbling infrastructure, ever since white residents began to abandon the city for nearby suburbs following public school integration.¹⁵⁵ This lack of investment in turn caused even more Jackson residents to flee the city, further shrinking the tax base and leaving the city with less funding.¹⁵⁶ Without positions in state leadership, Black politicians and community leaders could not effectively advocate for the infrastructure investments the water crisis revealed were so desperately and urgently needed.¹⁵⁷ These sorts of crises and uneven investment in mostly Black communities are bound to continue so long as Black Mississippians lack meaningful seats at the statewide political table, and are not thwarted by the white political power structure even when they do attain representation.

B. Current Voter Suppression and Discrimination in Mississippi

As in the decades following Reconstruction, Mississippi continues to deploy restrictive voting laws that operate in symbiosis with the systemic racial inequalities that pervade its civic, political, economic, and social arenas. Like their predecessors, lawmakers today design voting restrictions that may appear facially race neutral but whose purpose is difficult to obscure: disproportionately disenfranchising Black Mississippians and other voters of color.

<https://www.brookings.edu/blog/the-avenue/2021/03/26/in-jackson-miss-a-water-crisis-has-revealed-the-racial-costs-of-legacy-infrastructure/>; Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn't Exist*, Miss. Free Press (Apr. 30, 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

¹⁵⁵ Ashton Pittman, *Systemic Racism Built Mississippi. Gov. Reeves Says It Doesn't Exist*, Miss. Free Press (Apr. 30, 2021), <https://www.mississippifreepress.org/11705/systemic-racism-built-mississippi-gov-reeves-says-it-doesnt-exist/>.

¹⁵⁶ *Id.*

¹⁵⁷ See Tim Sullivan, *Voting while Black: In Mississippi, the Hurdles Have Changed, but Never Gone Away*, Miss. Clarion Ledger (Oct. 26, 2020), <https://www.clarionledger.com/story/news/politics/2020/10/26/voting-while-black-mississippi-many-hurdles-still-remain/3731891001/>.

1. Mississippi's Government Employs Draconian Restrictions on Registration and Voting Opportunities

Mississippi's array of laws designed to prevent Black Mississippians from participating in government begins at the front lines: voting and voter registration.

It is harder to vote in Mississippi than in almost any other state in the country. A 2020 survey conducted by a group of political science and public administration professors measures the Cost of Voting Index by considering election system features that impact voting access, including registration deadlines, availability of pre-registration and early voting, number of polling places, poll hours, and voter ID laws.¹⁵⁸ Mississippi ranked 47th, a modest improvement from 2016 when it ranked dead last at 50th out of 50. As Mississippi's lawmakers know, these and other voting access opportunities are particularly determinative for Black voters and other voters of color, as well as communities including young, elderly, disabled, and rural voters. Mississippi's array of laws designed to prevent Black Mississippians from participating in government begins at the front lines: voting and voter registration.

i. Mississippi Severely Restricts Voter Registration

Mississippi has the strictest voter registration deadline permitted by federal law at 30 days before Election Day.¹⁵⁹ Anyone who fails to register by this deadline is not allowed to vote. But Mississippi does not adequately warn its residents about this strict deadline: Madison County resident Christopher only discovered this 30-day deadline after "do[ing] some digging," and explains that "there wasn't a clear heads up on the website or any of the media as to the lead time I'd need to register before being eligible to vote."¹⁶⁰ Accordingly, this inflexible registration deadline penalizes those with less access to the Internet, social networks, and similar information.

Mississippi compounds the difficulties caused by this rigid deadline by making voter registration itself exceedingly difficult. Mississippi does not offer online voter

¹⁵⁸ Scot Schraufnagel, Michael J. Pomante II, & Quan Li, *Cost of Voting in the American States: 2020*, 19 Election L.J. 503, 505 (2020).

¹⁵⁹ *How Do I Register to Vote in Mississippi?*, Miss. Sec'y of State (2021), <https://www.sos.ms.gov/voter-id/register>.

¹⁶⁰ Exhibit 7 (Declaration of Christopher, 7/2/2021).

registration of any kind.¹⁶¹ Instead, applicants must either register by mail or register in person at the Circuit Clerk's office, the Municipal Clerk's office, or the Department of Public Safety when getting a driver's license.¹⁶² To register by mail, the voter must attach a copy of a current and valid photo ID, or a utility bill, bank statement, or other government document showing the voter's name and address.

Mississippi's restrictive and confusing registration system disenfranchises voters even when they diligently take all the steps purportedly required of them to properly register and vote. Forrest County resident Nathaniel tells a familiar story. Nathaniel, who served in the military from 2013 through 2019 and is now a certified nurse assistant, "feels obligated to my country to vote," and considers voting to be "my right, my obligation, and my respect to my ancestors and to everyone in my family."¹⁶³ As Nathaniel explains:

I have a strong family tradition of voting. My great-great grandfather and great-great grandmother both died being unable to vote due to African Americans not having the right. From then on my family has always made a big effort to vote. In my family, if someone is not voting, you know they are volunteering as a poll worker. I've had an elderly relative who, even when she found it difficult to walk, made sure to vote by absentee ballot. We've had family members who could not read well but still made sure to go vote.¹⁶⁴

Nathaniel has been registered to vote since he was 18 and voted in every election from then until 2016. But during the elections of 2016 and 2018, Nathaniel was unable to vote because of issues with his voter registration. After moving in 2013, Nathaniel promptly registered to vote at his new address. During Election Day 2016, Nathaniel attempted to vote during his 30-minute break from work, but was told that he was not registered to vote in the polling place near his new address and that he would have to drive 45

¹⁶¹ *How Do I Register to Vote in Mississippi?*, MISS. SEC'Y OF STATE (2021), <https://www.sos.ms.gov/voter-id/register>.

¹⁶² *Id.*

¹⁶³ Exhibit 27 (Declaration of Nathaniel, 7/10/2021).

¹⁶⁴ *Id.*

minutes to the polling place near his previous residence to vote. Because Nathaniel could not take the time off work to make that drive, he was unable to vote.¹⁶⁵

The same thing happened to Nathaniel in 2018. After moving to a new residence, he again promptly registered to vote. But when he arrived to his polling location on election day, he was told that he was not registered to vote. This time, Nathaniel drove back to the polling location at his previous residence, but was told that he was not registered there either. As a result, Nathaniel cast his vote using a provisional ballot, but does not believe his vote was counted.¹⁶⁶

Many other Black Mississippians tell similar stories:

- Harrison County resident Joanne moved in fall 2020 and promptly re-registered to vote at her new address by filling out a “Mississippi Voter Registration Application” at her local courthouse. On Election Day 2020, she was turned away from her nearest polling place, where she had registered to vote, and was told she needed to cast her ballot at another location 30 minutes away. When she arrived at that location, she was required to vote using a provisional ballot. She later received a letter informing her that her ballot had not been counted because of an incorrect address. After doing what she understood she was supposed to, Joanne was nonetheless disenfranchised. It ultimately took Joanna three attempts to update her address before she was finally able to receive her voter card in March 2021.¹⁶⁷
- Simpson County resident Filander and his mother both experienced similar problems with voter registration despite taking all the correct steps to register.¹⁶⁸ On Election Day 2020, Filander and his mother arrived to vote at their usual polling place, where Filander’s mother has voted for 40 years. The poll workers informed Filander’s mother that her name was not in the register. The poll worker also informed Filander that he was unable to vote because his name was purportedly “misspelled” in the register. Filander explained that the poll worker may have been confusing Filander with his son, who has a similar

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Exhibit 19 (Declaration of Joanne, 7/7/2021).

¹⁶⁸ Exhibit 14 (Declaration of Filander, 7/20/2021).

name, and showed the poll worker his ID. The poll worker was unwilling to even look at Filander's ID. Filander's son then showed his own ID, proving that the poll worker was mixing up Filander's name in the register with his son's name in the register, and Filander was finally allowed to vote. Unfortunately, that did not solve Filander's mother's problem. At the instruction of the poll worker, Filander drove his mother to a different polling place in the next town over, but was told that his mother was not registered there either. Filander's mother ultimately submitted a provisional ballot, but Filander and his mother do not know whether her vote was ever counted.¹⁶⁹

ii. **Mississippi Limits Absentee Voting and Makes Voting By Mail Unnecessarily Difficult**

Mississippi also places strict limits on voting itself. In November 2021, Governor Tate Reeves announced that he would "do everything in [his] power to make sure universal mail-in voting and no-excuse early voting are not allowed in Mississippi."¹⁷⁰ In 2020, Mississippi was one of only seven states that does not allow no-excuse in-person or mail-in voting or both.¹⁷¹ And as a 2020 report by the Democracy Initiative explained, at the time of the 2020 General Election, "Mississippi [was] the only state in which in-person voting on Election Day [was] the only option available to all voters."¹⁷² In other words, absent some justification for voting early or absentee, the *only* option available to Mississippi voters is to vote on election day.

¹⁶⁹ *Id.*

¹⁷⁰ Bobby Harrison, Mississippi does not have to change law to make voting hard. It already is, *Miss. Today* (Jul. 25, 2021), <https://mississippitoday.org/2021/07/25/mississippi-does-not-have-to-change-law-to-make-voting-hard-it-already-is/>.

¹⁷¹ *Id.*; see also Kate Rabinowitz & Brittany Renee Mayes, *At least 84% of American voters can cast ballots by mail in the fall*, *Wash. Post* (Sept. 25, 2020), <https://www.washingtonpost.com/graphics/2020/politics/vote-by-mail-states/>

¹⁷² Democracy Initiative, *Roadblocks and Remedies: The State of Voting in 2020*, https://actionnetwork.org/user_files/user_files/000/049/028/original/Roadblocks_and_Remedies_FINAL_10_08.pdf

Mississippi limits absentee voting to narrowly circumscribed groups of eligible voters, such as disabled voters, people over 65, and residents of Mississippi who can demonstrate that they will not be in the state on election day.¹⁷³ During the COVID-19 pandemic, Mississippi was one of a handful of states that did not even allow the risk of COVID-19 to qualify as an excuse for absentee voting,¹⁷⁴ unless the voter was under a physician-imposed quarantine, or caring for someone under a physician-imposed quarantine.¹⁷⁵ After a number of plaintiffs sued the state based on Mississippi's burdensome absentee ballot requirements during the COVID-19 pandemic,¹⁷⁶ Mississippi relaxed its voting laws slightly and permitted curbside voting for those experiencing COVID-19 symptoms,¹⁷⁷ but continued to limit exceptions to absentee voting wherever possible. For example, in the case of Lafayette County resident Caitlin, Mississippi's government did not even allow her immunocompromised husband to vote absentee.¹⁷⁸

Indeed, Mississippi does not make exceptions to its strict in-person voting requirements even for natural disasters. Bolivar County resident Clarence recounts how, for several days prior to the June 2021 municipal election in his city, there were heavy rainstorms, and the day of the election there was a flood.¹⁷⁹ "Homes were flooded, some

¹⁷³ *Step-by-Step Absentee Voting Guide*, Miss. Sec'y of State, https://www.sos.ms.gov/content/documents/elections/Step-by-Step%20Guide%20to%20Absentee%20Voting_forweb.pdf.

¹⁷⁴ *Id.*

¹⁷⁵ Talib Visram, *How voters are casting their ballots in the state that's made it hardest to vote in 2020*, Fast Company (Nov. 2, 2020), <https://www.fastcompany.com/90570476/how-voters-are-casting-their-ballot-in-the-state-thats-made-it-hardest-to-vote-in-2020>.

¹⁷⁶ Complaint, *Parham v. Watson*, No. 3:20-cv-00572-DPJ-FKB (S.D. Miss. Aug. 27, 2020), ECF No. 1, https://www.splcenter.org/sites/default/files/documents/parham_v._watson_complaint.pdf.

¹⁷⁷ Emily Wagster Pettus, *Mississippi expands curbside voting, sets absentee 'cure,'* AP News (Oct. 20, 2020), <https://apnews.com/article/virus-outbreak-election-2020-mississippi-lawsuits-voting-rights-5834ad9656ce610a319b6288ccfe7669>.

¹⁷⁸ Exhibit 4 (Declaration of Caitlin, 6/29/2021).

¹⁷⁹ Exhibit 8 (Declaration of Clarence, 7/20/2021).

folks had waist deep water in their yards, and some roads were not passable. An emergency was declared.” Clarence was one of the few voters who was eligible to vote absentee in the June 2021 elections, so his vote was counted. But many of Clarence’s friends were unable to vote absentee and unable to get to the polls during the flood to vote in person. The local government had no sympathy for these voters; “[w]hile there was ample warning of the storms, the election was not postponed and there was no accommodation for the weather.” As a result, “[t]he results of the election will stand for four years, but through no fault of their own, only a small percentage of the voters were able to participate.”

Those few Mississippians who are permitted to vote absentee face additional labyrinthine voting requirements, which disproportionately burdens elderly and economically disadvantaged voters. The absentee application and the absentee ballot itself, in many cases, must be notarized; and the absentee ballot must be returned by mail or in person at the clerk’s office—there are no ballot drop-boxes.¹⁸⁰ Jasper County resident Candice explains the intricacies of this process:

I now live with my 90-year-old grandmother, Gladys []. She is frail and walks with a cane. The only way she is able to vote these days is by absentee ballot. Since she is over 65 years old, she is entitled to vote by mail-in absentee ballot under Mississippi law. However, the County will not simply mail her an absentee ballot. Instead, for each election, she must make another application for an absentee ballot. Because she is hard of hearing she cannot use the phone to request an application for an absentee ballot. Therefore, my grandmother asks me to go in person to the Jasper County Courthouse for each election and request an application from the Circuit Clerk. The Circuit Clerk notarizes her application but will not give me the application to take home to my grandmother. Instead, the Clerk mails the application to my grandmother. My grandmother then fills out the application, stating why she is entitled to vote mail-in absentee. She then has me put her application in the mail so it can go back to the courthouse. The Clerk then mails my grandmother an absentee ballot. The ballot also requires that my grandmother state the reason she qualifies to vote mail-in absentee. This

¹⁸⁰ *Step-By-Step Absentee Guide*, Miss. Sec’y of State, https://www.sos.ms.gov/sites/default/files/yall_vote_icons/yall_vote_pdfs/Step-by-Step%20Guide%20to%20Absentee%20Voting_forweb.pdf.

absentee ballot must be witnessed, but because of my grandmother's age, she is not required to have her ballot notarized. I am able to witness her ballot because I am over 18 years old. I then mail her ballot back to the courthouse. I cannot hand deliver[] it or leave it in a drop box.¹⁸¹

Candice explains that “[v]oting is very important to me because it is the only way to possibly have my voice heard by the government,” and that “[g]rowing up, the importance of voting was impressed on me by my father, my grandmother, and my great grandmother.” But she explains that “[j]ust applying for an application for our absentee ballots takes several hours from my day.” And if Candice was not there to assist her grandmother Gladys with this arduous process, it is doubtful that Gladys would be able to vote at all.

One of the most significant obstacles to absentee voting in Mississippi is the state's notarization requirement for both absentee ballot applications and ballots themselves, which functions as a modern-day poll tax. In advance of the 2016 presidential election, Grenada County resident and Ole Miss student Tysheann attempted to vote absentee but was charged \$10 for each document she needed to get notarized, for a total of \$20. Tysheann had to spend her last \$20 on the notary and believes that this notarization requirement is “equivalent to charging a poll tax.” The instructions on the ballot were so confusing that even the notary public she hired was confused about where and what to notarize.¹⁸² Similarly, Prince, an 86-year-old resident of Harrison County who voted absentee during the 2020 elections due to concerns about COVID-19, had to find a neighbor to drive him to the bank to get his ballot notarized, since he did not have a car himself.¹⁸³

State government employees also frequently take steps to make absentee voting difficult—just as government employees of earlier eras made voting difficult through literacy tests and similar “discretionary” mechanisms. During the 2016 election, Perry County resident Joyce applied for an absentee ballot because she was not going to be in town on election day.¹⁸⁴ When she arrived at the county courthouse, the clerk informed her that she was not registered to vote in her county, even though Joyce knew that she had registered. Joyce assured the clerk that she was registered and produced a

¹⁸¹ Exhibit 5 (Declaration of Candice, 7/20/2021).

¹⁸² Exhibit 33 (Declaration of Tysheann, 7/1/2021).

¹⁸³ Exhibit 29 (Declaration of Prince, 7/15/2021).

¹⁸⁴ Exhibit 21 (Declaration of Joyce, 7/27/2021).

copy of her driver's license to prove her identity, the clerk demanded that Joyce produce a document of residency showing where Joyce paid her bills. Fortunately, Joyce came prepared with a utility bill, but under Mississippi law, she should not have been required to provide this documentation to be able to vote absentee.

Finally, even those voters who successfully navigate the gauntlet of Mississippi's absentee voting requirements frequently never receive their ballots. Amber Thomas, a Mississippi registered voter who was working in Maryland during the Mississippi primary elections, requested an absentee ballot and did not receive it until after Election Day. During the 2020 Presidential election, Amber was compelled to drive to Mississippi to drop off the ballot in person to ensure that her vote would be counted.¹⁸⁵ Similarly, Leflore County resident John applied for an absentee ballot for the 2021 municipal elections because he has trouble walking, but never received an absentee ballot. Because he cannot walk easily, John cannot obtain an absentee ballot.¹⁸⁶

iii. Mississippi Limits In-Person Voting to Twelve Hours on a Single Day

Mississippi also places strict limits on in-person voting, restricting in-person voting to Election Day only, from 7 A.M. to 7 P.M. Early in-person voting in Mississippi simply does not exist.¹⁸⁷ Mississippi's strict limitations on in-person voting work in tandem with its restrictive absentee voting requirements to cause serious overcrowding at polling locations and wait times of several hours. The experiences of individual Mississippi voters demonstrate the serious hardships caused by Mississippi's restrictive voting laws:

- During the 2020 election, Hinds County resident Jennifer had to park a half-mile away from her polling location, then walk on the side of the road

¹⁸⁵ Talib Visram, *How voters are casting their ballots in the state that's made it hardest to vote in 2020*, Fast Company (Nov. 2, 2020), <https://www.fastcompany.com/90570476/how-voters-are-casting-their-ballot-in-the-state-thats-made-it-hardest-to-vote-in-2020>.

¹⁸⁶ Exhibit 20 (Declaration of John, 7/26/2021).

¹⁸⁷ *Mississippi Voter Information Guide*, Miss. Sec'y of State, [https://live-micheal-watson-secretary-of-state.pantheonsite.io/sites/default/files/election_and_voting/Voter InformationGuide.pdf](https://live-micheal-watson-secretary-of-state.pantheonsite.io/sites/default/files/election_and_voting/Voter%20InformationGuide.pdf); Miss. Code Ann. § 23-15-541.

because there were no sidewalks. She had her kindergarten-age child with her, and after learning that it could take up to four hours for her to get through the line, she realized she could not stay that long with her child. She returned later but was still unable to vote due to the long lines at her polling location. Despite two attempts to vote in person, Jennifer ultimately was unable to cast her ballot.¹⁸⁸ The experience frustrated and discouraged Jennifer, who explains: "I do not think that it should be this difficult for someone to vote. There should be more polling locations and shorter lines."¹⁸⁹

- Hinds County resident Patsy experienced similar delays and overcrowding when she attempted to vote during the 2020 election.¹⁹⁰ Her polling location was located on the corner of two roads with no sidewalks, and there was no safe way to park along the road due to a ditch. Patsy and other voters had to wait in line on the side of the road for about an hour, which Patsy observed was difficult for many disabled and elderly voters. Patsy recounts how the voter in front of her was in a wheelchair, and the road conditions were so poor that the wheelchair broke in the line.
- Hinds County resident Angeline, who has multiple sclerosis and cannot walk easily, describes her polling location for the 2021 municipal elections as follows:

The school parking lot ha[d] craters and potholes and can only hold around 15 cars. . . . There was hardly any room to park because of these obstructions. . . . The sign pointing to where you were supposed to go vote was hidden behind the crane and some white covered stacks The door, inaccessible from the parking lot, contained a sheet of 8x11 typing paper with a size 14 typing font that was taped to the original entry door. This was impossible to read from any distance. . .

If I had to use my motorized scooter, I wouldn't have been able to get up the step. Usually they have a ramp but they didn't have this

¹⁸⁸ Exhibit 18 (Declaration of Jennifer, 7/12/2021).

¹⁸⁹ *Id.*

¹⁹⁰ Exhibit 28 (Declaration of Patsy, 6/14/2021).

provision anywhere that I could see. I had to tu[rn] sideways to get up the step. I also wouldn't have been able to get up onto the curb. You can't climb those heights with a motorized scooter, and they didn't have a ramp where the curb or the single step was. And I didn't even know if I was headed in the correct direction because of the lack of signage. I thought they had moved the voting site.¹⁹¹

In a March 2021 interview, Mississippi Secretary of State Michael Watson rationalized some of these restrictive measures by victim-blaming and denigrating the intelligence of voters:

Think about all these 'woke' college university students now who would automatically be registered to vote, whether they wanted to or not.... Again, if they didn't know to opt out, they would be automatically registered to vote. And then they receive this mail-in ballot that they didn't even know was coming because they didn't know they registered to vote. You have an uninformed citizen who may not be prepared and ready to vote, automatically it's forced on them, 'Hey, go and make a choice.' And our country's going to pay for those choices.¹⁹²

Secretary Watson's attitude echoes that of the drafters of Mississippi's 1890 constitution, who, as discussed above, published a resolution calling for the "permanent intelligent rule in all the departments of the state government"—after an earlier draft of the resolution called more explicitly for "permanent *white* intelligent rule."¹⁹³

¹⁹¹ Exhibit 1 (Declaration of Angeline, 7/20/2021).

¹⁹² Emily Wagster Pettus, *Analysis: Mississippi Unlikely to Ease its Election Laws*, Associated Press (Apr. 11, 2021), <https://apnews.com/article/mississippi-voting-rights-delbert-hosemann-elections-voter-registration-be764ae42ca49a8e64e593b3f419c7aa>.

¹⁹³ *United States v. Mississippi*, Answers to Interrogatories of State of Mississippi; Mrs. Pauline Basley, Circuit Clerk and Registrar of Claiborne County; J.W. Smith, Circuit Clerk and Registrar of Coahoma County; T.E. Wiggins, Circuit Clerk and Registrar of Lowndes County at 12, Civ. A. No. 3312 (S.D. Miss.), <https://clearinghouse.net/chDocs/public/VR-MS-0148-0004.pdf> (quoting Journal of the Proceedings of the Constitutional Convention of the State of Mississippi 1890, at 304 (Jackson, Mississippi: E.L. Martin, printer to the Convention, 1890)), <https://clearinghouse.net/chDocs/public/VR-MS-0148-0004.pdf> at 10.

iv. **Mississippi Employs Strict Photo Identification Requirements to Vote**

Mississippi also employs strict photo identification (“photo ID”) laws to reduce Black voter participation and turnout. As with literacy tests and other discriminatory voting laws of Mississippi’s past, proponents of photo ID laws often justify them with race-neutral reasons—in the case of photo ID laws, proponents argue that they are necessary to combat voter fraud. But just as with Mississippi’s prior efforts to disenfranchise Black voters, the specious justifications for Mississippi’s photo ID laws fall apart under even mild scrutiny. Yet despite no evidence of material voter fraud in Mississippi, Mississippi’s legislature has made these laws even more restrictive in recent years, and has done so with limited federal oversight in the wake of the *Shelby County* decision.

In the mid-1990s, state lawmakers began discussing the possibility of requiring photo IDs to vote.¹⁹⁴ In 2012, the legislature passed a law mandating strict new requirements for voter identification, namely requiring photo ID.¹⁹⁵ Because Section 5 of the VRA was still operative at that time, Mississippi was required to submit the law for preclearance. But in 2013, while Mississippi’s preclearance application was under review, the Supreme Court announced its *Shelby County* decision inactivating Section 5, thereby releasing Mississippi from any preclearance obligations. Within hours of the decision,

¹⁹⁴ See *Voter ID Proposal on Mississippi Ballot Nov. 8*, Deseret News (Oct. 27, 2011), <https://www.deseret.com/2011/10/27/20226382/voter-id-proposal-on-mississippi-ballot-nov-8#in-this-oct-19-2011-photo-patricia-ball-a-50-year-old-resident-of-kosciusko-miss-said-she-opposes-requiring-people-to-show-a-driver-s-license-or-other-identification-at-the-polls-mississippians-will-decide-nov-8-whether-voters-should-be-required-to-show-government-issued-photo-identification-before-casting-ballots>; Emily Wagster Pettus, *Primary Voting in Mississippi Will Occur Under New Identification Laws for Residents*, Wash. Post (June 1, 2014), https://www.washingtonpost.com/politics/primary-voting-in-mississippi-will-occur-under-new-identification-laws-for-residents/2014/06/01/b98c07f8-e9c2-11e3-9f5c-9075d5508f0a_story.html.

¹⁹⁵ Adam Ganuchau, *Did the Supreme Court Put Mississippi’s Voter ID Law in Jeopardy?*, Miss. Today (June 1, 2021), <https://mississippitoday.org/2021/06/01/supreme-court-mississippi-voter-id-law/>.

lawmakers announced that they would proceed with implementing the restrictive new photo ID law.¹⁹⁶

Mississippi's photo ID law provides that "[e]ach person who appears to vote in person at a polling place or the registrar's office shall be required to identify himself or herself to a poll manager or the registrar by presenting current and valid photo identification before such person shall be allowed to vote."¹⁹⁷ That statute also provides that "[a]n official Mississippi voter identification card" is an acceptable form of photo identification. The process of obtaining a voter identification card is onerous.¹⁹⁸ First, the voter must be a registered voter in Mississippi (voters can register by submitting a mail-in voter registration application).¹⁹⁹ Second, a registered voter must go to a Circuit Clerk's Office during regular business hours (Monday through Friday from 8:00 a.m. to 5:00 p.m.) and present one form of acceptable identification (one of the same forms of identification permitted under Miss. Code Ann. § 23-15-563(2)).²⁰⁰ If the voter does not have any of the identification documents listed, the clerk may verify birth information if the voter provides their date of birth, the state where they were born, and their mother's maiden name.²⁰¹ The Clerk may also accept an alternative form of identification, such as a social security card, a utility bill, a Medicare or Medicaid card, a paycheck or

¹⁹⁶ H.R. Rep. No. 116-317, at 38 (2019) ("Mississippi previously submitted a voter ID measure to the DOJ for preclearance, but had not obtained approval to implement it, yet within hours of the *Shelby County* decision, Mississippi announced that it would implement this voter ID law").

¹⁹⁷ Miss. Code Ann. § 23-15-563(1).

¹⁹⁸ *Mississippi Voter ID: How to Get a MS Voter ID Card*, Miss. Sec'y of State (2021), <https://www.sos.ms.gov/voter-id/how-to-get>.

¹⁹⁹ *Id.*; *Mississippi Mail-In Voter Registration Application*, Miss. Sec'y of State (Aug. 2016), https://www.sos.ms.gov/sites/default/files/yall_vote_icons/yall_vote_pdfs/voter_registration_application.pdf.

²⁰⁰ *Mississippi Voter ID: How to Get a MS Voter ID Card*, Miss. Sec'y of State (2021), <https://www.sos.ms.gov/voter-id/how-to-get>; *Mississippi Voter ID: Acceptable Photo IDs*, Miss. Sec'y of State (2021), <https://www.sos.ms.gov/voter-id/acceptable>.

²⁰¹ *Mississippi Voter ID: How to Get a MS Voter ID Card*, Miss. Sec'y of State (2021), <https://www.sos.ms.gov/voter-id/how-to-get>.

government check, a bank statement, a W-2 form, or other government document.²⁰² Third, the voter must complete and sign a Voter ID Application form.²⁰³ Fourth, the voter must have their picture taken at the Clerk's office.²⁰⁴ And fifth, the voter must wait to receive their Voter ID card in the mail.²⁰⁵

Photo ID requirements such as Mississippi's effectively disenfranchise many Black and low-income voters. Residents of low-income, rural, predominantly Black areas of Mississippi frequently lack government-issued photo ID.²⁰⁶ And a study analyzing a dataset across several states found racial disparities in access to photo ID accepted for voting that persist even after accounting for covariates like education and income, which the study author attributes to the privileges accrued to white Americans through a history of institutional racial exclusion.²⁰⁷ Research shows that these racial disparities in

²⁰² *Mississippi Voter ID: State of Mississippi Application for Voter Identification Card*, Miss. Sec'y of State (2021), https://www.sos.ms.gov/sites/default/files/voter_id/Voter_ID_Application_Form.pdf.

²⁰³ *Mississippi Voter ID: How to Get a MS Voter ID Card*, Miss. Sec'y of State (2021), <https://www.sos.ms.gov/voter-id/how-to-get>.

²⁰⁴ *Id.*

²⁰⁵ *Id.* ("If the next election is within 45 days, the voter will receive a receipt for the Mississippi Voter Identification Card from the Circuit Clerk. The receipt may be used as the voter's photo ID when voting at the polls.").

²⁰⁶ Natasha Khan & Corbin Carson, *Election Day Impersonation, an Impetus for Voter ID Laws, a Rarity, Data Show*, Wash. Post (Aug. 11, 2012), https://www.washingtonpost.com/politics/electionelection-day-impersonation-an-impetus-for-voter-id-laws-a-rarity-data-show/2012/08/11/7002911e-df20-11e1-a19c-fcfa365396c8_story.html?itid=ik_inline_manual_5; *Voter ID Proposal on Mississippi Ballot Nov. 8*, Deseret News (Oct. 27, 2011), <https://www.deseret.com/2011/10/27/20226382/voter-id-proposal-on-mississippi-ballot-nov-8#in-this-oct-19-2011-photo-patricia-ball-a-50-year-old-resident-of-kosciusko-miss-said-she-opposes-requiring-people-to-show-a-driver-s-license-or-other-identification-at-the-polls-mississippians-will-decide-nov-8-whether-voters-should-be-required-to-show-government-issued-photo-identification-before-casting-ballots>.

²⁰⁷ *Hearing on: Voting in America: The Potential for Voter ID Laws, Proof-of-Citizenship Laws, and Lack of Multi-Lingual Support to Interfere With Free and Fair Access to the Ballot Before the H. Comm. on H. Admin*, 117th Cong. 6-8 (May 24, 2021)

access to photo ID do, in fact, decrease actual turnout for voters of color.²⁰⁸ Indeed, the Justice Department objected to a pre-*Shelby County* 2012 Texas photo ID law on the ground that it would disproportionately affect low-income voters and voters of color,²⁰⁹ and a federal court blocked the law on the ground that the legislation would impose strict and unforgiving burdens on voters of color.²¹⁰

There is also significant evidence that photo ID requirements are applied unevenly, and unfairly, by poll workers who may be inexperienced, under-trained, and have no legal background, but who are asked to interpret complex laws.²¹¹ Photo ID requirements tend to be complex and inconsistent, making them especially likely to produce voter and poll worker confusion, and to result in poll workers setting their own

(testimony of Dr. Matt Barreto),

<https://docs.house.gov/meetings/HA/HA08/20210524/112670/HHRG-117-HA08-Wstate-BarretoM-20210524.pdf>.

²⁰⁸ *Hearing on: Voting in America: The Potential for Voter ID Laws, Proof-of-Citizenship Laws, and Lack of Multi-Lingual Support to Interfere With Free and Fair Access to the Ballot Before the H. Comm. on H. Admin*, 117th Cong. 4-5 (May 24, 2021) [hereinafter *Hearings, Lajevardi Testimony*] (written testimony of Nazita Lajevardi), <https://docs.house.gov/meetings/HA/HA08/20210524/112670/HHRG-117-HA08-Wstate-LajevardiN-20210524.pdf>.

²⁰⁹ Natasha Khan & Corbin Carson, *Election Day Impersonation, an Impetus for Voter ID Laws, a Rarity, Data Show*, Wash. Post (Aug. 11, 2012), https://www.washingtonpost.com/politics/election-day-impersonation-an-impetus-for-voter-id-laws-a-rarity-data-show/2012/08/11/7002911e-df20-11e1-a19c-fcfa365396c8_story.html?itid=lk_inline_manual_5.

²¹⁰ Sari Horwitz, *Texas Voter-ID Law is Blocked*, Wash. Post (Aug. 30, 2012), https://www.washingtonpost.com/world/national-security/texas-voter-id-law-struck-down/2012/08/30/4a07e270-f2ad-11e1-adc6-87dfa8eff430_story.html.

²¹¹ *Voter ID Proposal on Mississippi Ballot Nov. 8*, Deseret News (Oct. 27, 2011), <https://www.deseret.com/2011/10/27/20226382/voter-id-proposal-on-mississippi-ballot-nov-8#in-this-oct-19-2011-photo-patricia-ball-a-50-year-old-resident-of-kosciusko-miss-said-she-opposes-requiring-people-to-show-a-driver-s-license-or-other-identification-at-the-polls-mississippians-will-decide-nov-8-whether-voters-should-be-required-to-show-government-issued-photo-identification-before-casting-ballots>.

standards.²¹² For example, studies conducted in New Mexico and Massachusetts in 2010 and 2011 show that many voters were inappropriately asked for photo ID by poll workers, and that voters of color were asked for photo ID significantly more often than white voters.²¹³ Because poll workers are temporary workers who work long hours a few times a year, and because states often provide them poor training and inadequate resources in spite of the central role they play in managing voting, poll workers are likely to misinterpret, misunderstand, or disagree with voter identification laws and, therefore, to misapply voter identification policies.²¹⁴ As a result, when faced with a decision on how to apply policies about which they may be uncertain, lack expertise, or hold biases, they may require photo ID in contravention to what the law requires.²¹⁵ Some poll workers also ask for photo ID only when they have difficulty understanding or spelling a voter's name, which creates a discriminatory obstacle particularly for voters who are naturalized immigrants and have "non-Anglo" names.²¹⁶ These inequitable applications of photo identification laws can deter Black communities from going to the polls, as one study conducted in Wisconsin in 2019 confirmed.²¹⁷

The experiences of individual voters in Mississippi confirm that Black voters can, and often do, face inequitable photo identification requirement at the polls:

²¹²*Hearings, Atkeson Testimony* at 3.

²¹³*Hearing: Voting in America: The Potential for Voter ID Laws, Proof-of-Citizenship Laws, and Lack of Multi-Lingual Support to Interfere With Free and Fair Access to the Ballot Before the H. Comm. on H. Admin*, 117th Cong. 1-2 (May 24, 2021) [hereinafter *Hearings, Atkeson Testimony*] (testimony of Dr. Lonna Rae Atkeson), <https://docs.house.gov/meetings/HA/HA08/20210524/112670/HHRG-117-HA08-Wstate-AtkesonL-20210524.pdf>; *Hearings, Lajevardi Testimony* at 4-5.

²¹⁴ *Hearings, Atkeson Testimony* at 3.

²¹⁵ *Id.*

²¹⁶*Hearing: Voting in America: The Potential for Voter ID Laws, Proof-of-Citizenship Laws, and Lack of Multi-Lingual Support to Interfere With Free and Fair Access to the Ballot Before the H. Comm. on H. Admin*, 117th Cong. 12-13 (May 24, 2021) (testimony of Terry Ao Minnis), <https://docs.house.gov/meetings/HA/HA08/20210524/112670/HHRG-117-HA08-Wstate-MinnisT-20210524.pdf>.

²¹⁷ *Hearings, Lajevardi Testimony* at 3.

- Warren County resident Karen showed a valid state employee photo ID while voting in the 2018 election, but a poll worker demanded a *second* form of photo identification, even though Mississippi law only required one form of photo identification.²¹⁸ Fortunately for Karen, she had a second photo ID and was able to cast her vote—but many Mississippians do not.
- During the 2012 election, Wilkinson County resident Ricky presented a valid voter registration card and was told by the poll worker that he still needed to provide a valid photo ID.²¹⁹
- Hinds County resident Michelle recounts that her three college-age children were all told during the 2020 election that their college photo IDs were unacceptable, but her neighbor was able to use his Mississippi fishing and hunting license (which is printed on paper and has no photo) to vote.²²⁰

Proponents of Mississippi’s photo ID requirements say these will deter in-person voter fraud, but offer no significant evidence for this proposition.²²¹ For example, in justifying Mississippi’s photo ID laws during a March 2021 news conference, Senator Cindy Hyde-Smith recounted how a friend of hers had told her that her “deceased father” had voted in an election.²²² Senator Hyde-Smith’s friend later told the press that this incident occurred several decades ago, after the death of her father in 1993. Senator Hyde-Smith’s friend never reported the incident to authorities, and no one has ever verified her allegations. Yet apparently, that single story from more than two decades ago sufficed to compel Senator Hyde-Smith to assert that voter fraud was “alive and

²¹⁸ Miss. Code Ann. § 23-15-563(1); Exhibit 22 (Declaration of Karen, 6/16/2021).

²¹⁹ Exhibit 31 (Declaration of Ricky, 8/4/2021).

²²⁰ Exhibit 26 (Declaration of Michelle, 7/22/2021).

²²¹ Niraj Chokshi, *Voter ID Cards are Just Months Away in Mississippi*, Wash. Post (Nov. 26, 2013), <https://www.washingtonpost.com/blogs/govbeat/wp/2013/11/26/voter-id-cards-are-just-months-away-in-mississippi/>.

²²² Ashton Pittman, *Sen. Hyde-Smith Falsely Claims Voting Rights Bill Will ‘Nullify’ Mississippi Voter ID Law*, Miss. Free Press (Mar. 21, 2021), <https://www.mississippifreepress.org/10618/sen-hyde-smith-falsely-claims-voting-rights-bill-will-nullify-mississippi-voter-id-law/>.

well” in Mississippi and that photo ID laws were necessary to combat this supposed fraud.

In fact, time and again, studies and analyses have demonstrated that voter fraud at the polls is virtually non-existent; the only real and tangible threat is the countless voters of color who are disenfranchised through policies like photo ID laws that purport to minimize fraud.²²³ For example, a 2012 analysis of 2,068 reported fraud cases conducted contemporaneously with the enactment of Mississippi’s photo identification requirement by News21, a Carnegie-Knight investigative reporting project, found just 10 *alleged* cases of in-person voter impersonation fraud since 2000, representing about one instance of voter impersonation for every 15 million prospective voters.²²⁴ The study demonstrated, once again, that voter fraud at the polls is a red herring, and that there is no evidence that voter impersonation fraud has affected the outcome of any election in United States history.²²⁵

²²³ Theodore R Johnson & Max Feldman, *The New Voter Suppression*, Brennan Ctr. for Justice (Jan. 16, 2020), <https://www.brennancenter.org/our-work/research-reports/new-voter-suppression>; *Debunking the Voter Fraud Myth*, Brennan Ctr. for Justice (Jan. 31, 2017), <https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth>.

²²⁴ Natasha Khan & Corbin Carson, *Election Day Impersonation, an Impetus for Voter ID Laws, a Rarity, Data Show*, Wash. Post (Aug. 11, 2012), https://www.washingtonpost.com/politics/election-day-impersonation-an-impetus-for-voter-id-laws-a-rarity-data-show/2012/08/11/7002911e-df20-11e1-a19c-fcfa365396c8_story.html?itid=lk_inline_manual_5; Natasha Khan & Corbin Carson, *Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo ID is Needed*, News21 (Aug. 12, 2012), <https://votingrights.news21.com/article/election-fraud/>.

²²⁵ Natasha Khan & Corbin Carson, *Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo ID is Needed*, News21 (Aug. 12, 2012), <https://votingrights.news21.com/article/election-fraud/>; see Ashton Pittman, *Sen. Hyde-Smith Falsely Claims Voting Rights Bill Will ‘Nullify’ Mississippi Voter ID Law*, Miss. Free Press (Mar. 25, 2021), <https://www.mississippifreepress.org/10618/sen-hyde-smith-falsely-claims-voting-rights-bill-will-nullify-mississippi-voter-id-law/> (Senator Hyde-Smith has falsely perpetuated claims of voter fraud, at times relying on an anecdote about a friend who “went to vote, [and] they told me I had already voted.”); *Id.* (Reporters were unable to verify the incident, which occurred decades ago, but a circuit clerk suggested that the incident was likely a

During Mississippi’s 2021 legislative session, Representative Dan Eubanks introduced House Bill 586, which proposed that Mississippi direct its voter registration system, the Statewide Elections Management System, to identify registered voters who may not be U.S. citizens by checking other unspecified “identification databases.” Voters flagged as “potential non-citizens” would have faced an immediate challenge to their registrations: the bill “mandated a 30-day period in which flagged voters would have had to provide a birth certificate, passport, or naturalization documents to the relevant authority.” Failure to do so would result in an immediate purge, or removal of the voter, from the registered voter roll.²²⁶ House Bill 586 ultimately failed (under heavy threat of litigation by advocates such as the Southern Poverty Law Center, Campaign Legal Center, and the Mississippi Center for Justice), but the bill demonstrates that many Mississippi lawmakers remain determined to make it even more difficult to vote.²²⁷

2. Mississippi’s Government Frequently Eliminates and Moves Voting Locations Without Notice

In the wake of the *Shelby County* decision, Mississippi election officials have steadily closed or moved voting locations, especially in Black communities. Although the Mississippi government does not publish information about polling locations—a practice that is itself a barrier to voting—an independent analysis by *Mississippi Today* found that Mississippi closed more than five percent of its polling locations in the five years after the *Shelby County* decision, totaling about 100 precincts across the state.²²⁸ A 2019 study by the Leadership Conference Education Fund reached similar conclusions:

result of “poll workers or voters mak[ing] mistakes, such as initialing beside the wrong name.”).

²²⁶ Nick Judin, ‘Casualties of War’: Mississippi Voter Purge Bills, ‘Poll Tax’ Dead For 2021, Miss. Free Press (Mar. 4, 2021), <https://www.mississippifreepress.org/9889/casualties-of-war-mississippi-voter-purge-bills-poll-tax-dead-for-2021/>.

²²⁷ *Id.*; see also CLC & SPLC Feb. 15, 2021 Letter re Consideration of HB 586, <https://campaignlegal.org/sites/default/files/2021-02/CLC%20and%20SPLC%202021.21%20Letter%20re%20HB%20586%20.pdf>.

²²⁸ Anna Wolfe & Alex Rozier, *Free from federal oversight, 5 percent of Mississippi polling locations have closed since 2013*, Miss. Today (Oct. 24, 2018), <https://mississippitoday.org/2018/10/24/free-from-federal-oversight-5-percent-of-mississippi-polling-locations-have-closed-since-2013/>.

the study found that since *Shelby County* was decided, Mississippi had closed 96 polling locations, and 38% of Mississippi's counties had closed at least one polling location.²²⁹ Lauderdale County, which is 45.4% Black but has only one Black person on its 5-member board of aldermen, closed nine of its 49 voting locations (18%) in the six years after *Shelby County* (2013 through 2019). Harrison County, which is 27.8% Black, closed 13 of its 66 locations (20%). Hinds County, which has by far the most Black residents of any county in Mississippi (and is 74% Black overall), closed eight of its voting locations between 2013 and 2019.²³⁰

These voting precinct closures, like many other facially "neutral" voting impediments, disproportionately affect voters of color and lower-income voters. Individual voters' experiences during recent elections demonstrate the harmful effects of these closures. The experiences of individual Mississippi voters illustrate these effects:

- Catrina, a resident of Rankin County, which closed four polling locations in the six years after *Shelby County*, observed that the line at her voting location was so long that it crossed active railroad tracks.²³¹ Many in Catrina's family have given up voting because of long lines, the absence of early voting, and the difficulties of absentee voting. Catrina's story, and the similar stories of her family members, demonstrate how different voter suppression mechanisms work in concert: long lines at in-person voting locations due to reduced polling locations and nonexistent early voting options make it difficult to vote in person on Election Day, but restrictive absentee voting requirements such as limited eligible excuses and notary requirements make it similarly difficult to vote absentee. Catrina explains that "[v]oting is very important to me because I am African American and our community has fought so hard to get the right to vote and it is one of the most essential rights that we have to make sure our voice is heard," but the array of obstacles to voting make exercising these rights difficult for Catrina and her family.

²²⁹ Leadership Conference Education Fund, *Democracy Diverted* 36 (Sept. 2019).

²³⁰ Demographic figures are taken from Census Data. Data on precinct closures are taken from Leadership Conference Education Fund, *Democracy Diverted* 67-68 (Sept. 2019).

²³¹ Exhibit 6 (Declaration of Catrina, 7/19/2021).

- Jackson County resident Gordon arrived at his polling place at 6:45 a.m. on Election Day 2020 and “found there was already a long line of people reaching around the back of the building.”²³² After Gordon got in line, “it continued to grow behind me as more people arrived, extending all around the building.” Despite arriving 15 minutes before the polls opened, Gordon “had to wait in line for about an hour before I could vote.”
- Hinds County resident Elaine had to wait three hours to vote in the 2020 election, and noticed that the polling location did not afford accommodations for elderly people; members of a nearby church helped the situation by bringing snacks, water, and lawn chairs.²³³ Harrison County resident Bennie had to wait in line for an hour and a half to cast his vote,²³⁴ while DeSoto County resident Kim had to wait three hours.²³⁵

In addition to precinct closures, Mississippi officials frequently change the locations of voting locations with little or no notice. Whereas Mississippi Secretary of State Michael Watson announced that 17 precincts were changed in 2020, an independent analysis by the *Mississippi Free Press* found that Mississippi officials in fact moved at least 55 precincts in 2020—more than three times the number Watson publicized.²³⁶ In addition, officials frequently do not clearly identify voting locations, making the physical locations hard to find and easy to miss.

Again, the experiences of voters in recent elections bear this out:

²³² Exhibit 15 (Declaration of Gordon, 7/19/2021).

²³³ Exhibit 13 (Declaration of Elaine, 7/16/2021).

²³⁴ Exhibit 2 (Declaration of Bennie, 7/18/2021).

²³⁵ Exhibit 23 (Declaration of Kim, 7/21/2021).

²³⁶ Ashton Pittman, *Mississippi Officials Moved Three Times More Polling Places Than Reported for 65,000 Voters*, Miss. Free Press (Oct. 31, 2020), <https://www.mississippi-freepress.org/6577/mississippi-officials-moved-three-times-more-polling-places-than-reported-for-65000-voters/>.

- Harrison County resident Gwendolyn tells the story of her son, who did not receive any notification that his polling location had been changed and had to walk to three different locations to be able to vote.²³⁷
- In 2018, DeSoto County resident Layla tried to vote at her regular location only to be told that it had moved; at her new location, she had to wait two hours to vote—most of which was spent outside with no protection from the elements.²³⁸
- Between 2006 and 2020, Forrest County resident Deloris’s polling location was changed four times without notice, preventing her from being able to vote during two elections during that period.²³⁹
- On the day of a municipal election in 2021, Hinds County resident Bernice discovered that her polling location had changed due to COVID; she had never received any notification of this change in the mail.²⁴⁰
- Lafayette County resident Caitlin had to wait in line for two and a half hours to vote in person on Election Day 2020.²⁴¹ During a mayoral election in June 2021, she showed up to her normal polling place only to discover the location was closed. The information on where to vote was never publicized, nor was the election itself; Caitlin only knew about the election because she followed the mayor on Facebook. She ultimately had to drive across town during heavy rains and a flash flood warning to cast her vote.
- Forrest County resident Claudia observed that the polling place in the historically Black area of the county where she lives is not clearly marked with “Vote Here” signs; she made repeated inquiries at her city hall to ask why

²³⁷ Exhibit 16 (Declaration of Gwendolyn, 6/25/21).

²³⁸ Exhibit 24 (Declaration of Layla, 6/22/2021).

²³⁹ Exhibit 11 (Declaration of Deloris, 7/30/2021).

²⁴⁰ Exhibit 3 (Declaration of Bernice, 6/22/2021).

²⁴¹ Exhibit 4 (Declaration of Caitlin, 6/29/2021).

there were no signs marking her polling locations, but no one has ever responded to Claudia.²⁴²

- During Election Day 2012, Hinds County resident Debra arrived at the polling location at which she had voted for years, only to be told that her name was not in the register. Debra was unable to vote during the 2012 election. After the election, she took time off from her job to go to the courthouse and ask why her name had been removed from the rolls. She was eventually informed that her name had been removed as part of a redistricting—the first time she had ever been notified of this fact.²⁴³
- Hinds County resident Edna recounts how her polling location was merged with another polling location for the 2020 election. She discovered this only because her sister informed her of the change of address.²⁴⁴ “Had my sister not informed me of the changed address, I would have gone to vote at [the old polling place], and I might not have been able to find the correct location. If the county was going to move polling locations, I think the county should have made every effort to notify residents who were affected by the move of their new location, and they did not.” When Edna arrived at her new polling location, “the line to vote was very long,” and Edna “heard people who were leaving the polling place after voting tell others standing in line that they had waited two hours to vote.” At one point, “a very upset woman walked out the door and told those of us standing in the front of the line that she had waited two hours to vote, only to be told by the poll workers inside that she could not vote there.” The poll workers had informed the woman that she “had to stand in another line at a different entrance on the north side of the same building.” As Edna explains, “[a]pparently, residents of one precinct were supposed to stand in line to enter through a door on the south side of the building, and residents of the other precinct were supposed to stand in line to enter through a door on the north side of the building. Luckily, I just happened to be standing in the right line for my precinct, but it still took me two hours to vote.”

²⁴² Exhibit 9 (Declaration of Claudia, 7/19/2021).

²⁴³ Exhibit 10 (Declaration of Debra, 7/13/2021).

²⁴⁴ Exhibit 12 (Declaration of Edna, 7/21/2021).

- Hinds County resident Michelle waited more than two hours to vote at her usual polling place during the 2018 election, only to be told that her polling location had changed. She had not been notified of this change before election day. Michelle had to drive to the second polling place and stand in line for another two to three hours before voting, ultimately missing an entire day of work.²⁴⁵
- While working as a poll worker during the 2020 election, Marion County resident Stephanie observed ten to fifteen voters who had previously voted at her location but were turned away because their polling locations had been switched to a location about five miles away. Stephanie does not know if any of these voters were able to vote.²⁴⁶

3. Mississippi’s Government Disenfranchises Tens of Thousands of Black Mississippians Convicted of Felonies Without Any Meaningful Opportunity to Restore Voting Rights

The expressly racist felony disenfranchisement scheme invented by the framers of Mississippi’s 1890 constitution remains largely intact today. Both Section 241 (which provides for felony disenfranchisement) and Section 253 (which provides for restoration of voting rights only by a two-thirds congressional vote, and was intended to benefit only white Mississippians) are still operative. The Mississippi legislature has amended Section 241 only twice: In 1950, the state removed burglary from the list of disenfranchising offenses, and in 1968, the state added murder and rape to the list of disenfranchising offenses. Other than those two modest changes, Mississippi’s felony disenfranchisement scheme operates today exactly as it operated in 1890. And, as explained above, the framers of Mississippi’s 1890 constitution made explicit their intention to target Black voters and obstruct their exercise of the franchise.

The discriminatory effects of this disenfranchisement scheme are stark. Black Mississippians represent 38% of the state’s population but 59.2% of the disenfranchised population.²⁴⁷ More than 29,000 Black Mississippians cannot vote due to a felony conviction. This represents 3.5% of the Black voting-age population of Mississippi—one

²⁴⁵ Exhibit 26 (Declaration of Michelle, 7/22/2021).

²⁴⁶ Exhibit 32 (Declaration of Stephanie, 8/1/2021).

²⁴⁷ See Expert Report of Dov Rothman.

in every 28 voters. A recent study by the Sentencing Project found that the rate of felony disenfranchisement in Mississippi was the third highest in the nation—behind only Wyoming and Tennessee.²⁴⁸

Of those Mississippians who have lost the right to vote due to felony convictions, only 9% are currently incarcerated.²⁴⁹ The remaining 91% are currently on probation or parole or have completed their sentences.²⁵⁰ Nevertheless, staggeringly few returning citizens are restored to the franchise. Applicants must apply for a pardon or lobby the Legislature for a Bill of Suffrage, and must have completed their sentence, including completing all probation, parole, and other supervision, and paying all legal financial obligations including fines, fees, and restitution.²⁵¹ Applying for a Bill of Suffrage is an onerous—if not impossible—process; there is no transparency for the applicant; and the state legislature provides no notice if the application is denied.²⁵² From 2000 to 2015, only 335 of 166,494 convicted persons who completed their sentences had their rights restored.²⁵³ From 2007 to 2017, the state legislature considered 128 applications for a Bill of Suffrage, but only granted 45.²⁵⁴ In 2017, advocates introduced legislation that would automatically restore voting rights after a three-year waiting period.²⁵⁵ The legislation did not even advance to a vote.²⁵⁶

²⁴⁸ Bobby Harrison, *Study: 11% of all Mississippians, 16% of Black Mississippians can't vote because of felony convictions*, Miss. Today (Oct. 19, 2020), <https://mississippi.today.org/2020/10/19/study-11-of-all-mississippians-16-of-black-mississippians-cant-vote-because-of-felony-convictions/>.

²⁴⁹ Advancement Project, One Voice, & Mississippi Votes, *Our Voices, Our Votes: Felony Disenfranchisement and Reentry in Mississippi* 7 (2021), <https://advancementproject.org/wp-content/uploads/2021/03/MS-Reentry-Report24.pdf>.

²⁵⁰ *Id.*

²⁵¹ *Id.* at 8.

²⁵² *Id.*

²⁵³ *Id.* at 9.

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ *Id.*

4. Mississippi's Government Employs At-Large Elections to Limit the Political Power of Black Mississippians

Mississippi has long employed variations of at-large election systems—the least representative election system as among district, at-large, and mixed electoral systems²⁵⁷—to dilute the vote of Black voters and deprive them of proportional representation in important state and local offices. In an at-large election system, candidates run jurisdiction-wide, instead of in single-winner districts, and all voters can vote for all seats up for election. For example, when electing five representatives to a five-person governing body in a jurisdiction, such as a school board, voters in the whole jurisdiction can each vote for five candidates, with the highest vote getters winning election. This election scheme gives disproportionate weight to the votes of the majority.²⁵⁸

At-large elections are particularly harmful to Black citizens.²⁵⁹ Empirical studies of Black representation in at-large voting districts have shown that the ratio of a city's percentage of Black representatives to the city's Black population is significantly lower than district systems; this is true across all regions of the United States.²⁶⁰ Indeed, studies show that at-large systems provide the least proportional representation for Black citizens, whereas district systems provide fairer representation.²⁶¹

v. Municipal At-Large Elections

At-large elections pervade Mississippi's local governments. Of Mississippi's 300 municipalities, more than 95% of these have opted for the Mayor-Board of Aldermen

²⁵⁷ Richard A. Walawender, *At-Large Elections and Vote Dilution: An Empirical Study*, 19 U. Mich. J. L. Reform 1221, 1235 (1986).

²⁵⁸ Mark Packer, *Tracking the Court Through a Political Thicket: At-Large Election Systems and Minority Vote Dilution*, 23 Urb. L. Ann. 227, 242 (1982).

²⁵⁹ *Id.* at 242-43.

²⁶⁰ Richard A. Walawender, *At-Large Elections and Vote Dilution: An Empirical Study*, 19 U. Mich. J. L. Reform 1221, 1233-34 (1986).

²⁶¹ *Id.* at 1235.

form of government.²⁶² Under the Mayor-Board form of government, there is a mayor and either five or seven aldermen, depending on the population of the municipality.²⁶³ The mayor is elected from the municipality at large, and the aldermen are either elected at large, by ward, or by some combination of the two.²⁶⁴ Pursuant to state law, for municipalities with a population of less than 10,000, "there shall be five (5) aldermen, which aldermen may be elected from the municipality at large, or, in the discretion of the municipal authority, the municipality may be divided into four (4) wards, with one (1) alderman to be selected from each ward and one (1) from the municipality at large."²⁶⁵ For municipalities with a population of 10,000 or more, "there shall be seven (7) aldermen, which aldermen may be elected from the municipality at large, or, in the discretion of the municipal authority, the municipality may be divided into six (6) wards, with one (1) alderman to be selected from each ward and one (1) from the municipality at large."²⁶⁶ Accordingly, Mississippi law provides that municipalities may choose to elect all aldermen at-large.

An analysis by the Southern Poverty Law Center (included as Appendix A to this report) illustrates the stark effect that at-large elections have on political representation. The SPLC analyzed all 72 municipalities in Mississippi with a population of over 4,000 people. These municipalities account for most of the Black population of Mississippi, and Black Mississippians make up 46.8% of the population of these municipalities. Yet Black elected officials make up only 33.3% of the aldermen or councilmembers of these municipalities, and only 20.8% of the mayors of these municipalities. At-large elections play a significant role in this disparity: Roughly 15% of the aldermen in these municipalities (60 out of 412) are elected at large. Only eight of these 60 at-large aldermen (13.3%) are Black.

²⁶² *A Primer on Forms of Municipal Government in Mississippi & How to Change Them* at 3, John C. Stennis Inst. of Gov't & Community Dev., <https://sig.msstate.edu/publications/formsofgovernment.pdf>.

²⁶³ *Id.* at 3-4; *see also* Miss. Code Ann. § 21- 3-1, *et seq.*

²⁶⁴ *A Primer on Forms of Municipal Government in Mississippi & How to Change Them* at 4, John C. Stennis Inst. of Gov't & Community Dev., <https://sig.msstate.edu/publications/formsofgovernment.pdf>.

²⁶⁵ Miss. Code Ann. § 21-3-7(1).

²⁶⁶ *Id.* § 21-3-7(2).

Focusing on 45 of these municipalities where Black Mississippians are in the minority, the effects are even more pronounced. Black Mississippians make up 28.6% of the population of these municipalities, yet only 15% of their aldermen or councilmembers. These majority-white municipalities are also three times more likely than their majority-Black counterparts to use at-large elections for alderman (19.2% vs. 6.5%). And the effects of at-large elections are more pronounced in majority-white municipalities: Only two of the 50 aldermen elected at large in these municipalities (4%) are Black, and only three of the 45 mayors in these municipalities (6.7%) are Black.

Notably, the opposite trend does *not* appear in the 27 majority-Black municipalities subject to the SPLC's analysis. Indeed, even in these municipalities, Black Mississippians are underrepresented: Black Mississippians make up 71.5% of the population of these municipalities, yet only 64.5% of its aldermen and only 44.4% of its mayors. At-large elections do not lead to increased Black representation in these municipalities: only 10 of the 152 aldermen in these cities, six of whom are Black, are elected at large.

At-large elections in the Mayor-Board system, coupled with the drawing of election wards, has resulted in disproportionate representation in cities and towns across Mississippi. For example, in Ridgeland, Mississippi, Black residents make up approximately 37% of the city's 24,000 residents, yet the city's mayor and seven aldermen are all white.²⁶⁷ Ridgeland Mayor Gene F. McGee, who was first elected mayor in 1989, ran unopposed in the June 2021 municipal election and will serve his ninth term as mayor—a tenure of more than 20 years.²⁶⁸ Ridgeland's at-large alderman, D.I. Smith, won re-election for the third time after he won a special election in 2012.²⁶⁹ Smith ran

²⁶⁷ Demographic figures are taken from Census Data.

²⁶⁸ Duncan Dent, *Smith, Gautier Win Re-Election in Ridgeland*, Madison Cnty. J. (June 8, 2021), <https://onlinemadison.com/stories/di-smith-shell,34191>; Sarah Fowler, *Ridgeland Mayor Seeks 8th Term in Office*, Miss. Clarion Ledger (Jan. 12, 2017), <https://www.clarionledger.com/story/news/2017/01/12/ridgeland-mayor-seeks-8th-term-office/96510094/> (“McGee was first elected mayor in 1989.”).

²⁶⁹ Duncan Dent, *Smith, Gautier Win Re-Election in Ridgeland*, Madison Cnty. J. (June 8, 2021), <https://onlinemadison.com/stories/di-smith-shell,34191>.

against a Black candidate, Poteat Medley, who captured about 33% of the total votes, a percentage consistent with the city's Black population.²⁷⁰

Similarly, in Olive Branch, Black residents make up approximately 30% of the city's 37,500 residents, but the city's mayor and seven aldermen are all white. Olive Branch's newly elected mayor, Ken Adams, recently won an election against a Black candidate, Donald Hall, who earned about 33% of the vote.²⁷¹ Olive Branch's at-large alderman, George Collins, won re-election against a Black candidate, Vanessa C. Caswell, a military veteran who earned 35% of the vote.²⁷² Olive Branch is in DeSoto County, one of the state's most populous counties, which in 2020 saw its first Black mayor, Keidron Henderson, elected in the town of Walls.²⁷³

Likewise, in Southaven, approximately 28% of the city's 54,000 residents are Black, but none of the city's aldermen or its mayor are Black. In 2021, Pam McKelvy Hamner ran to become the first Black woman on the Southaven board of aldermen.²⁷⁴ Hamner knew that she faced an uphill battle. Four years earlier, a Black woman who unsuccessfully ran for Southaven's board of alderman faced injustice throughout her campaign. People "stole her signs" and "told voters that she didn't even live in her

²⁷⁰ *Id.*

²⁷¹ Lucas Finton, *Republican Ken Adams Wins Mayoral Race in Olive Branch*, Memphis Com. Appeal (June 9, 2021), <https://www.commercialappeal.com/story/news/2021/06/09/republican-ken-adams-wins-mayoral-race-in-olive-branch-mississippi/7617259002/>.

²⁷² Action News 5 Staff, *Mississippi Municipal Election Results*, Action News 5 (June 9, 2021), <https://www.wmcactionnews5.com/2021/06/09/mississippi-municipal-election-results/>; *Home, VoteCaswell.com* (2021), <https://votevcaswell.com/>.

²⁷³ Tom Dees, *First African American Mayor in DeSoto County Hopes Mayoral Race Will Inspire Others*, Fox 13 Memphis (June 7, 2021), <https://www.fox13memphis.com/news/local/first-african-american-mayor-desoto-county-hopes-mayoral-race-will-inspire-others/CARTTDZWJRF45DQVQMWKSJY6LY/>; Alex Coleman, *Mississippi town introduces its first African-American mayor*, News Channel 3 WREG Memphis (June 8, 2020), <https://www.wreg.com/news/mississippi-town-introduces-its-first-african-american-mayor/>.

²⁷⁴ Grace Marion, *Former TV Reporter, Pageant Winner Wants To Be Southaven's First Black Woman Alderman*, Miss. Free Press (Apr. 6, 2021), <https://www.mississippifreepress.org/10974/first-black-woman-alderman/>.

district so they couldn't vote for her, which was not true."²⁷⁵ Hamner ran in Southaven's Ward 6, where 19% of the population is Black.²⁷⁶ Hamner ultimately lost the election, gaining 26% of the vote.²⁷⁷

vi. Judicial At-Large Elections

Since the beginning of the Twentieth Century, the Mississippi Supreme Court has been entirely, or almost entirely, white. While not a purely at-large election system, the discriminatory method of election of Mississippi's Supreme Court justices is at the heart of this chronic underrepresentation.

The Mississippi Supreme Court has nine justices.²⁷⁸ Pursuant to the Mississippi Constitution, the state is divided into three Supreme Court districts.²⁷⁹ The districts generally run east-west.²⁸⁰ District Number Three, or the "Northern District," covers roughly the northern third of the state. District Number One, or the "Central District," covers roughly the middle third of the state. And District Number Two, or the "Southern District," covers roughly the southern third of the state.²⁸¹ The term of office for a Mississippi Supreme Court justice is eight years.²⁸² Three justices are elected from each of the three districts.²⁸³ Those districts, in turn, are drawn in a way that disperses that

²⁷⁵ *Id.*

²⁷⁶ *Wards Demographic Analysis*, Southaven.org (Aug. 10, 2015), <https://southaven.org/550/Wards>.

²⁷⁷ *General Election Results*, Southaven.org (2021), <https://southaven.org/684/Election-Information>.

²⁷⁸ Miss. Const. art. 6, § 145B.

²⁷⁹ *Id.* § 145.

²⁸⁰ Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 489 (2008), https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/05_Mississippi_Macro.pdf.

²⁸¹ Miss. Code Ann. § 9-3-1.

²⁸² Miss. Const. art. 6, § 149.

²⁸³ *Magnolia Bar Ass'n, Inc. v. Lee*, 793 F. Supp. 1386, 1392 (S.D. Miss. 1992), *aff'd*, 994 F.2d 1143 (5th Cir. 1993).

state's Black population across each district.²⁸⁴ Each Supreme Court justice is elected individually; the three offices in each of the three districts are designated Position Number 1, Position Number 2, and Position Number 3, respectively, and justices within a district do not run for office against each other.²⁸⁵ The nine justices are elected for staggered eight-year terms on an at-large basis from the three separate multimember districts.²⁸⁶

As a result of the at-large voting structure for state Supreme Court justices and the way the three districts are currently drawn to divide up Mississippi's Black population, the Court remains predominantly white. Prior to 1985, no Black candidate served as a justice of the Mississippi Supreme Court in the twentieth century. At any given time since 1985, only one of the nine justices has been Black.²⁸⁷ Presiding Justice Leslie D. King is currently the only Black justice on the Court.²⁸⁸ Justice King, however, has never faced an opposed election for his seat on the bench. He was first appointed by then-Governor Haley Barbour in 2011, and then elected to the court in an unopposed, nonpartisan election in 2012.²⁸⁹ He was re-elected to the bench in 2020, again in an unopposed, nonpartisan election.²⁹⁰ In other words, Justice King has never confronted a white opponent for his seat. The fact that he has been twice-elected to the Court, therefore, does not suggest the absence of white bloc voting and Black voter dilution under an at-large voting system. So long as Mississippi retains at-large voting within its currently drawn three judicial districts, it is doubtful that a Black Supreme

²⁸⁴ Demographic figures are taken from Census Data.

²⁸⁵ Miss. Code Ann. § 23-15-993; *see also Magnolia Bar Ass'n*, 793 F. Supp. 1386, 1392-93 (S.D. Miss. 1992).

²⁸⁶ *Magnolia Bar Ass'n, Inc. v. Lee*, 793 F. Supp. 1386, 1393 (S.D. Miss. 1992).

²⁸⁷ Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 489 (2008), https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/05_Mississippi_Macro.pdf.

²⁸⁸ Miss. Judiciary, *Supreme Court Justices*, <https://courts.ms.gov/appellatecourts/sc/scjustices.php>.

²⁸⁹ *Leslie King*, Ballotpedia, https://ballotpedia.org/Leslie_King.

²⁹⁰ *Mississippi Supreme Court Elections, 2020*, Ballotpedia, https://ballotpedia.org/Mississippi_Supreme_Court_elections,_2020.

Court candidate running in an opposed election against a white candidate could win a seat on the bench.

Mississippi's current multimember voting system for Supreme Court justices deprives Black residents of a judiciary that fairly represents them and leaves them subject to a white-dominated judiciary which has thwarted progress by Black Mississippians in other political arenas. For example, in the 2020 statewide election, Mississippi voters overwhelmingly passed a ballot initiative repealing a longstanding provision of the state's racist 1890 Constitution that was expressly designed to disenfranchise Black voters. This constitutional provision required candidates for statewide office in Mississippi to win not only the popular vote but *also* a majority of Mississippi's 122 House districts—effectively adding an “electoral vote” requirement for statewide elections. Because most of Mississippi's house districts are majority white and elect white representatives, this constitutional provision had the effect, and the intent, of preventing Black office-seekers from winning statewide office.²⁹¹ As a 2019 House report observed:

“The Mississippi Plan,” which is codified in the 1890 Mississippi Constitution, is a racially discriminatory election system that has prevented African American candidates from winning a statewide office. The plan requires that candidates running for state-wide office such as governor or attorney general must win not only a majority of the popular votes, but also a majority of the State's 122 House districts, of which two thirds are majority white. If no candidate meets both requirements, a statewide election is decided by the state house of representatives. This has resulted in no African American candidates winning statewide office in over 130 years despite Mississippi having the highest African American population in the United States.²⁹²

²⁹¹ Libby Cathey & Kiara Brantley-Jones, *Mississippi To Vote on Jim Crow-Era Law Designed To Secure 'White Supremacy' in State Politics*, ABC News (Sept. 27, 2020), <https://abcnews.go.com/Politics/mississippi-vote-jim-crow-era-law-designed-secure/story?id=72862667>; Ananaya Agrawal, *Mississippi Votes To Remove Electoral Vote Requirement for Statewide Offices*, Jurist (Nov. 6, 2020), <https://www.jurist.org/news/2020/11/mississippi-votes-to-remove-electoral-vote-requirement-for-statewide-offices/>.

²⁹² H.R. Rep. No. 116-317, at 50 (2019) (citations omitted).

In 2019, after Black office-seekers sued to enjoin the enforcement of this provision as unconstitutional,²⁹³ the Mississippi legislature added a ballot initiative that, if passed, would remove the provision. The initiative passed with 78% of the vote.²⁹⁴

Shortly after the 2020 election, however, the Mississippi Supreme Court adjudicated a challenge to a successful ballot initiative that would have legalized medical marijuana in the state.²⁹⁵ In ruling on that challenge, the court struck down the state's entire ballot initiative process as unconstitutional based on a technicality in the law.²⁹⁶ The supreme court thus curtailed future efforts to use ballot initiatives—a democratic tool for increasing voters' political power and effectuating their policy priorities—to promote voter equality, such as an effort in early 2021 by Democratic state lawmakers to add an early voting initiative in 2023 and myriad others planned by advocates and impacted Mississippians.²⁹⁷ Residents of Mississippi view this ruling as anti-democratic. Hinds County resident Loren explains: "I feel like my vote in the November 3, 2020, general election has been taken away. I waited in line for at least an hour to vote, so that I could support State Constitutional Initiative 65, which was very

²⁹³ Complaint for Injunctive and Declaratory Relief, *McLemore v. Hosemann*, No. 3:19-cv-383-DPJ-FKB (May 30, 2019), ECF No. 1, <https://www.documentcloud.org/documents/6102478-Mississippi-Elections-Lawsuit.html>.

²⁹⁴ Ananaya Agrawal, *Mississippi Votes To Remove Electoral Vote Requirement for Statewide Offices*, *Jurist* (Nov. 6, 2020), <https://www.jurist.org/news/2020/11/mississippi-votes-to-remove-electoral-vote-requirement-for-statewide-offices/>.

²⁹⁵ Geoff Pender & Bobby Harrison, *Mississippi Supreme Court overturns medical marijuana Initiative 65*, *Miss. Today* (May 14, 2021), <https://mississippitoday.org/2021/05/14/mississippi-supreme-court-overturns-medical-marijuana-initiative-65/>.

²⁹⁶ See *Initiative Measure No. 65: Mayor Butler v. Watson*, No. 2020-IA-01199-SCT, 2021 WL 1940821, at *5 (Miss. May 14, 2021). Specifically, the ballot initiative process permitted citizens to propose ballot initiatives by obtaining a specified number of signatures and required that "one-fifth" of these signatures must come from each of Mississippi's five districts. Mississippi subsequently reduced its number of districts from five to four, so that it was no longer technically possible for one fifth of the signatures supporting a petition to come from each district.

²⁹⁷ Tristan Ruppert, *New Ballot Initiative Could Bring Early Voting to Mississippi*, *WMC5* (May 5, 2021), <https://www.wmcactionnews5.com/2021/05/05/new-ballot-initiative-could-bring-early-voting-mississippi/>.

important to me and my family” and was passed with 74% of the vote in Mississippi, and that after the Mississippi Supreme Court’s decision, “not only was my vote taken away, but they also took away my ability—the voters’ ability—to help fix this whole mess.”²⁹⁸

5. Mississippi’s Government Dilutes the Political Power of Black Mississippians Through Redistricting

Mississippi’s government has frequently employed redistricting and racial gerrymandering to dilute the political power, votes, and voices of Black voters and other voters of color.²⁹⁹ Redistricting can violate the constitutional rights of Black voters or the VRA when legislators draw the boundaries of political districts to either concentrate a racial minority group in one district or divide a racial minority group across many districts. In either case, the result (and intent) is to weaken the political power of the racial minority group.

While it was in operation, Section 5 of the VRA was an effective barrier against many of Mississippi’s discriminatory redistricting efforts. More than 60% of DOJ’s Section 5 objections between 1965 and 2006 (104 of 169) related to redistricting efforts.³⁰⁰ DOJ objected to at least three redistricting measures in Mississippi in the three years before the Supreme Court rendered Section 5 inoperable in 2013.³⁰¹ For example, in 2012, the City of Clinton in Hinds County attempted to enact a redistricting plan to elect its board of aldermen.³⁰² DOJ objected, observing that the plan “contain[ed] no districts in which African American voters ha[d] the ability to elect candidates of choice, notwithstanding that the African American population share in the city ha[d] doubled in the past two decades to over 34 percent.”³⁰³ Nevertheless, DOJ explained, the city

²⁹⁸ Exhibit 25 (Declaration of Loren, 7/16/2021).

²⁹⁹ H.R. Rep. No. 116-317, at 48-49 (2019).

³⁰⁰ Robert McDuff, *The Voting Rights Act and Mississippi: 1965-2006*, 17 Rev. L. & Soc. Just. 475, 479 (2008).

³⁰¹ U.S. DOJ, *Voting Determination Letters for Mississippi* (Aug. 7, 2015), <https://www.justice.gov/crt/voting-determination-letters-mississippi>.

³⁰² Letter from Thomas E. Perez, Ass’t Att’y Gen., to Kenneth Dreher, Esq. & David Wade (Dec. 3, 2012), https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/I_121203_0.pdf.

³⁰³ *Id.*

adopted a plan that provided Black voters “no ability to elect a candidate of choice . . . by unnecessarily fragmenting minority population concentrations” such that “three wards ha[d] black voting age populations between 37 and 43 percent.”³⁰⁴ DOJ further observed that the department itself was “easily able to draw an illustrative redistricting plan” that would include a voting ward with a significant Black voting population.³⁰⁵ And DOJ found “credible evidence” that the city “unnecessarily rushed the redistricting process to avoid considering an alternative plan that would allow [B]lack voters the ability to elect a candidate of choice in one ward.”³⁰⁶ In the wake of DOJ’s objection, the city redrew its districts and created for the first time a ward where Black voters had the ability to elect their preferred candidate³⁰⁷

In fact, beginning in 2002 and continuing until the Court’s *Shelby County* decision, a federal three-judge panel was responsible for drawing Mississippi’s statewide legislative district boundaries. This is because, as a result of the 2000 Decennial Census, the number of congressional representatives allotted to the State of Mississippi was reduced from five to four.³⁰⁸ The Mississippi legislature, however, repeatedly failed to produce any four-district redistricting plan, let alone one that had obtained federal preclearance under Section 5 of the VRA and did not have a discriminatory impact on Black residents.³⁰⁹ The court, therefore, enjoined Mississippi’s use of its existing five-district congressional plan in 2002 until Mississippi produced a constitutional and precleared plan of its own and, failing such a plan, for every subsequent congressional primary and general election until *Shelby County*, ordered Mississippi to implement the court’s congressional redistricting plan.³¹⁰

³⁰⁴ *Id.*

³⁰⁵ *Id.*

³⁰⁶ *Id.*

³⁰⁷ *VRA for Today: Moving Voting Rights Forward*, The Leadership Conf. (July 17, 2021), http://civilrightsdocs.info/pdf/voting/2015-07-17%20Voting%20Discrimination%20Stories_c4.pdf.

³⁰⁸ *See Smith v. Clark*, 189 F. Supp. 2d 503, 505 (S.D. Miss. 2002).

³⁰⁹ *Smith v. Hosemann*, 852 F. Supp. 2d 757, 759-60 (S.D. Miss. 2011).

³¹⁰ *Id.*

Since *Shelby County*, however, Mississippi governments have been free to engage in redistricting without submitting plans for preclearance. As a result, in cities with smaller Black populations, districts are drawn so that white Mississippians represent a safe majority of each ward's residents. For example, Black Mississippians represent 27.9% of the population of Southaven, but all of Southaven's seven aldermen are white. In December 2012, Southaven redrew its ward map such that Black Mississippians of voting age made up no more than 27.4% of each of Southaven's six wards.³¹¹ In the three municipal elections since then, at least six Black candidates have run for seats on the board of aldermen, but none have been elected because of solid white majorities in each ward and an at-large aldermen seat.³¹²

C. The Investment and Impact of Black Voter Advocacy Organizations

Continuing the tradition of 1964's "Freedom Summer," Black Mississippians have formed voter advocacy organizations integral in the fight for equal voting rights in the face of persistent racial discrimination in the state. Many of these groups evolved from organizations such as the NAACP and the ACLU that were established even before the civil rights movement. The NAACP, founded in 1909, has funded and partnered with numerous outreach projects in Mississippi to end Black voter suppression.³¹³ Without key federal preclearance protections under Section 5 of the VRA voting rights and Black-led advocacy organizations are again responsible for protecting and defending the fundamental right to vote against racial discrimination in voting and voter suppression.

The Mississippi NAACP, founded in the early 1900s, also partners with numerous outreach projects in Mississippi.³¹⁴ Southern Echo, Inc. is an organization founded in 1989 whose mission is to "empower African Americans and low wealth communities

³¹¹ Wards Demographic Analysis, SOUTHAVEN.ORG (Aug. 10, 2015), <https://southaven.org/DocumentCenter/View/1359/6-Alt2?bidId=>. At that time, Black voters made up approximately 20% of the voting-age population of Southaven.

³¹² Arthur McLaurin – Ward 4 Alderman – 2013; Brenda Daniel-Anderson – Ward 2 Alderman – 2017; Catherine Griggs-Watson – Ward 4 Aldermen – 2017; Janet Catchings – Ward 6 Alderman – 2017; Pamela McKinley Hamner – Ward 6 Aldermen – 2021; Arthur McLaurin – Ward 4 Alderman – 2021.

³¹³ *Our History*, NAACP (2021), <https://naacp.org/about/our-history>.

³¹⁴ *History*, Miss. NAACP, Miss. State Conf., <http://naacpms.org/history/>.

throughout Mississippi and the Southern Region.”³¹⁵ One of the main goals of Southern Echo, Inc. is “expanding democracy,” which they believe can only be achieved through the “powerful vehicles of Voting Rights, the 2020 Census, and the Redistricting Process that will follow the Census Count.”³¹⁶ Southern Echo has been involved in the redistricting process since 1990, providing legal aid to grassroots leaders and community groups, and advocating for fair redistricting plans at the local, state, and congressional levels.³¹⁷ More recently, in 2017, Southern Echo has led a five-year initiative to support grassroots communities in 10 different states to seek accurate census counts and fair redistricting plans.³¹⁸ In 2020, Southern Echo held two regional and three statewide Southern Grassroots Community Collaborative (“GCC”) meetings, where presenters conversed about the 2020 Census and elections.³¹⁹ In 2021, Southern Echo held two more regional GCC meetings to discuss the 2021 Legislative Session, redistricting, and other topics.³²⁰

The ACLU, founded in 1920, is another organization dedicated to the protection of civil liberties.³²¹ The Mississippi chapter of the ACLU formed in 1969; it emphasizes not only the protection of civil liberties of Mississippians, but also the pursuit of “issues related to criminal justice reform, educational opportunities, equal access/equality for

³¹⁵ *About Southern Echo*, Southern Echo, Inc., https://southernecho.org/s/?page_id=32624.

³¹⁶ *Expanding Democracy*, Southern Echo, Inc., https://southernecho.org/s/?page_id=3966.

³¹⁷ *About Southern Echo*, Southern Echo, Inc., https://southernecho.org/s/?page_id=32624; Southern Echo, Inc./Charles Stewart Mott Found. Pathways Out of Poverty: Strategic Planning, Issue Development and Building Organizational Capacity as Key Elements of Community Organizing to Empower Communities, presented to Annual Sub-Grantees Networking Conference Presentation, *Pathways Out of Poverty*, slides 51-54 (Mar. 12-13, 2008), <https://southernecho.org/s/wp-content/uploads/2009/07/02-23-08-assembled-mott-convening-manual-v2.pdf>.

³¹⁸ *Census and Redistricting*, Southern Echo, Inc., https://southernecho.org/s/?page_id=202.

³¹⁹ *News & Events*, Southern Echo, Inc., https://southernecho.org/s/?page_id=50.

³²⁰ *Id.*

³²¹ *About the ACLU*, Am. Civil Liberties Union, <https://www.aclu.org/about-aclu>.

all, voter rights, and governmental transparency and accountability.”³²² Recent initiatives in relation to voting rights include a guide of bills that the ACLU is supporting, the 2017 “Let People Vote” initiative to advocate for equal voting rights for Black Mississippians, and the “Know your Rights” guides for voting in elections.³²³ Since then, ACLU of Mississippi has held “Voter Rights” workshops in 2019, “Know Your Rights” workshops in 2020, as well as various social and arts events to educate and empower Mississippians.³²⁴ In 2021, the organization launched a web series titled “OUR MISSISSIPPI” to inform viewers on topics such as election and voting reform, redistricting, and voter purging bills.³²⁵

On August 3, 2021, ACLU of Mississippi held “Fight for Fair Maps: Redistricting 101 Virtual Training,” a session to educate Mississippians about redistricting and how it has been historically used to disenfranchise Black voters.³²⁶ To encourage constituent participation in the redistricting process, ACLU of Mississippi announced the nine public redistricting hearings to be held from August 5–August 23, 2021, and offered toolkits to help residents prepare for the hearings.³²⁷

Another major organization in the fight for Mississippi voting rights is the Mississippi Center for Justice (“MCJ”). Founded in 2003, the MCJ’s mission is “dismantling the policies that keep Mississippi at the bottom of nearly every indicator of human well-being and deny African-American and lower-income Mississippians the opportunity to advance themselves.”³²⁸ In 2019, MCJ celebrated a large victory in a

³²² *Who We Are*, ACLU of Miss., <https://www.aclu-ms.org/en/about/about-us>.

³²³ *Know Your Rights*, ACLU of Miss., <https://www.aclu-ms.org/en/campaigns/people-power-let-people-vote> and <https://www.aclu-ms.org/en/know-your-rights>.

³²⁴ *Events*, ACLU of Miss., <https://www.aclu-ms.org/en/past-events>.

³²⁵ *ACLU Mississippi Channel*, YouTube, <https://www.youtube.com/channel/UCs7qR3bpsUHRlh8LK0tOluA>.

³²⁶ *Fight for Fair Maps: Redistricting 101 Virtual Training*, ACLU of Miss., <https://www.aclu-ms.org/en/events/fight-fair-maps-redistricting-101-virtual-training>.

³²⁷ *Redistricting Hearings Schedule*, ACLU of Miss., <https://www.aclu-ms.org/en/events/redistricting-hearings-schedule>.

³²⁸ *Who We Are, “About the Center,”* Miss. Ctr. for Justice, <https://mscenterforjustice.org/about/>.

lawsuit that challenged the map of Senate District 22. Three black constituents in Senate District 22, represented by the MCJ, brought forth a claim that the district violated Section 2 of the VRA. Federal District Judge Carlton Reeves ordered that the map of the district be redrawn to better represent the Black Mississippian voting community.³²⁹ In 2020, the MCJ, joined with the ACLU and ACLU of Mississippi, brought forth a lawsuit, *Oppenheim v. Watson*, to request that absentee voting is made more accessible during the COVID-19 pandemic. The court ruled that voters with underlying medical conditions that put them at risk of severe COVID-19 illness may vote absentee in the 2020 election.³³⁰

In preparation for the 2016 presidential election, many voting rights groups formed to advocate and inform Black voters. In 2012 Derrick Johnson, current president/CEO of the NAACP, founded the organization “One Voice Mississippi” with the mission of ensuring “an equal voice for traditionally silenced communities.”³³¹ One specific sector of One Voice Mississippi focuses on voting rights and includes the “MS Civic Engagement Roundtable” and the “Election Protection Call Center.”³³² The “MS Civic Engagement Roundtable” is a network of non-partisan organizations that are committed to achieving an “inclusive, engaged, just, and equitable state for all Mississippians by increasing voter awareness and education.”³³³ Past sessions have discussed redistricting issues in Mississippi as well as ways to educate Black voters. The “Election Protection Call Center” is a program that, in partnership with the NAACP, helps

³²⁹ Derrick Robinson, *Major Voting Rights Win in MCJ Lawsuit*, Miss. Ctr. for Justice (2019), <https://www.mscenterforjustice.blog/blog-1/2019/2/14/major-voting-rights-win-in-mcj-lawsuit>.

³³⁰ Press Release, *Mississippi Court Affirms Greater Access to Absentee Voting During COVID-19*, ACLU (Sept. 3, 2020), <https://www.aclu.org/press-releases/mississippi-court-affirms-greater-access-absentee-voting-during-covid-19>. Although the Mississippi Supreme Court ultimately overturned that decision, advocates from the Southern Poverty Law Center, among others, also challenged Mississippi’s absentee voting requirements in federal court. See Complaint, *Parham v. Watson*, No. 3:20-cv-00572-DPJ-FKB (S.D. Miss. Aug. 27, 2020), ECF No. 1, https://www.splcenter.org/sites/default/files/complaint_-_parham_v._watson.pdf.

³³¹ *Our Vision, Our Process, Our Team*, One Voice, <http://onevoicems.org/>.

³³² *Voting*, One Voice, <http://onevoicems.org/vote/>.

³³³ *Id.*

to defend poll access for Mississippians. Using a database to track election concerns and complaints, the “Election Protection Call Center” aims to ensure that all Mississippi voters have an equal opportunity to participate in elections.³³⁴

In 2016, the organizations “Black Votes Matter Fund” and “Mississippi Votes” were formed to encourage and inform voters leading up to the presidential election. The mission of the “Black Votes Matter Fund” is to “increase power in marginalized, predominantly Black communities” with a specific focus on increasing the power of the Black vote.³³⁵ The organization provides resources for Black voters in states like Mississippi where they can get information about mutual aid and advocacy movements in their specific states. This year, the “Black Votes Matter Fund” started a campaign for voting rights called the “Freedom Ride.”³³⁶ This campaign pays tribute to the historic Freedom Rides of the civil rights movement, which celebrate their 60th anniversary this year. Co-founders of the “Black Votes Matter Fund” LaTosha Brown and Cliff Albright emphasize the Freedom Ride’s mission to “amplify the need for federal voting rights legislation, [and] build Black voting power.”³³⁷ Jackson, Mississippi was the first stop on an 8-day Freedom Ride ending in Washington, D.C.³³⁸ Many attendees in Mississippi brought their young children, empowering the next generation with an education of

³³⁴ *Id.*

³³⁵ *Purpose and Core Values*, Black Voters Matter, <https://blackvotersmatterfund.org/our-purpose/>.

³³⁶ Press Release, Black Voters Matter, *Black Voters Matter Announces New Voter Outreach Initiative on 60th Anniversary Of The Original Freedom Rides*, Black Voters Matter (May 4, 2021), <https://blackvotersmatterfund.org/news/black-voters-matter-announces-new-voter-outreach-initiative-on-60th-anniversary-of-the-original-freedom-rides/>.

³³⁷ Donna M. Owens, *The Ride for Voting Rights: Inside the Journey to Build Black Voting Power*, NBCNews.com (June 25, 2021), <https://www.nbcnews.com/news/nbcblk/ride-voting-rights-journey-build-black-voting-power-rcna1248>.

³³⁸ Gabriela Szymanowska, *60 Years Later: Voting Rights Group Continues Freedom Rides, Makes Stop in Jackson*, Miss. Clarion Ledger (June 19, 2021), <https://www.clarionledger.com/story/news/local/2021/06/19/freedom-ride-makes-stop-jackson-raises-awareness-voting-rights/7728621002/>.

Mississippi's longstanding history of voter suppression and how activists are fighting back.³³⁹

Mississippi Votes was also founded in 2016 by a group of college students who noticed disparities when researching the correlation between eligible voters and demographics in Mississippi.³⁴⁰ Their mission is to "cultivate a culture of civic engagement throughout the state of Mississippi" and "empower people across the state, especially those who are most often unheard."³⁴¹ Numerous social media campaigns have spurred from this organization such as #StayVocal #ActLocal which encourages people to speak up and inform others about election rights and the #UP2US campaign that emphasizes that it's "up to us" to educate others on voting rights all the time, not just surrounding elections.³⁴² Mississippi Votes also provides a fellowship program, One Girl One Vote ("OGOV"), to "provide young wom[e]n of color with the tools they need to organize their communities around issues that primarily affect Black and Brown wom[e]n."³⁴³ This gives college women in Mississippi the opportunity to educate their peers on the intersectional sociopolitical issues that young women of color face.

Aside from these specific voter-oriented organizations, the Black church—a term first used by W.E.B. Du Bois to describe Southern Black-led Protestant churches³⁴⁴—has provided a major support network for Black voters to mobilize and advocate for fair and equal voting rights. The Black church consists of a group of predominantly Black Protestant denominations all of whom have an extensive history of mobilization and

³³⁹ *Id.*

³⁴⁰ *About Mississippi Votes*, Miss. Votes, <https://www.msvotes.org/about/what-were-about/>.

³⁴¹ *Id.*

³⁴² *Id.*

³⁴³ Miss. Votes, <https://www.msvotes.org/opportunities/fellowships>.

³⁴⁴ Marilyn Mellows, *The Black Church*, PBS, <https://www.pbs.org/wgbh/american-experience/features/godinamerica-black-church/>.

Black political action that extends as far back as the 18th century.³⁴⁵ More specifically, in the 1990s a movement called “Souls to the Polls” was organized to help Black voters get to the polls. Sunday service attendees would meet after the church service the Sunday prior to Election Day and drive together to early polling locations.³⁴⁶ This helped those who were not able to find transportation on Election Day have the ability to vote. In the early 2000’s the NAACP helped turn “Souls to the Polls” into a national movement.³⁴⁷ Before the 2020 election, Black churches across the United States mobilized to encourage voter registration and protect against efforts to suppress the Black vote.³⁴⁸ In current years, the ongoing voter suppression has sparked a new focus on protecting the right to vote, aiding with voter registration, and mobilizing advocacy groups such as the “Black Church PAC and Black denominations such as the African Methodist Episcopal, Full Gospel Baptist, Church of God in Christ and Church of Our Lord Jesus Christ.”³⁴⁹

In 2021, eight years after *Shelby County* it is long past time for the federal government to step in and protect Mississippi’s voters of color so that advocacy organizations do not have to work tirelessly just to ensure that Black voters and Mississippi’s historically disenfranchised communities can cast a ballot.

III. Mississippi’s Long History of Voting Rights Violations Will Subject It to Preclearance Under the Current Formula.

Under the John Lewis Voting Rights Advancement Act (H.R. 4), states and jurisdictions with recent, demonstrated records of racial discrimination in voting will again be subject to federal preclearance. The current formula requires statewide preclearance if, in the past 25 years (on a rolling basis), (1) there have been at least 15 voting rights violations in the state, or (2) there have been at least ten voting rights violations in the state, at least one of which was committed by the state itself. H.R. 4

³⁴⁵ Henry Louis Gates, *How the Black Church Saved Black America*, Harv. Gazette (Mar. 9, 2021), <https://news.harvard.edu/gazette/story/2021/03/the-history-and-importance-of-the-black-church/>.

³⁴⁶ David D. Daniels III, *The Black Church Has Been Getting ‘Souls To The Polls’ For More Than 60 Years*, Miss. Free Press (Oct. 31, 2020), <https://www.mississippifreepress.org/6565/the-black-church-has-been-getting-souls-to-the-polls-for-more-than-60-years/>.

³⁴⁷ *Id.*

³⁴⁸ *Id.*

³⁴⁹ *Id.*

defines “voting rights violation” to include (1) preclearance objections by the U.S. Attorney General, (2) final judicial findings that a person’s right to vote was abridged because of their race, color, or language, or (3) settlements that result in a change to a practice that is challenged under the VRA.

Based on Mississippi’s history of voter discrimination and disenfranchisement efforts, Mississippi will be subject to preclearance under the H.R. 4. As of the publication of this report, over the past 25 years, there have been at least 18 voting rights violations in Mississippi, at least one of which was committed by the State of Mississippi itself. These voting rights violations are described in detail below.

A. Mississippi Has Committed At Least Seven Voting Rights Violations That Are the Subject of Objections by The Department of Justice Over the Past 25 Years

1. State of Mississippi (1995) (statewide)

In 2009, the State of Mississippi sought preclearance for a change from a plurality to a majority-vote requirement for county boards of education and the boards of trustees of certain school districts.³⁵⁰ DOJ objected to the plan because, under Section 5, the submitting authority bears the burden of showing that the proposed changes do not have the purpose or effect of denying or abridging the right to vote an account of race, color, or membership in a language minority group and, despite repeated requests for more detailed submissions, the state “elected not to provide certain information crucial to the analysis.”³⁵¹ Lacking that information, DOJ was unable to conclude that the proposed changes had neither a discriminatory purpose nor would have a discriminatory effect.³⁵²

³⁵⁰ Letter from Thomas E. Perez, Ass’t Att’y Gen., to Margarett L. Meeks, Esq. (Mar. 24, 2010), https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/I_100324.pdf.

³⁵¹ *Id.*

³⁵² *Id.*

2. City of Clinton (2012) (Redistricting)

In 2012, the City of Clinton in Hinds County attempted to enact a redistricting plan to elect its board of aldermen.³⁵³ DOJ objected to the plan. As DOJ observed, the plan “contain[ed] no districts in which African American voters ha[d] the ability to elect candidates of choice, notwithstanding that the African American population share in the city ha[d] doubled in the past two decades to over 34 percent.”³⁵⁴ Nevertheless, the city adopted a plan that provided Black voters “no ability to elect a candidate of choice . . . by unnecessarily fragmenting minority population concentrations” such that “three wards ha[d] black voting age populations between 37 and 43 percent.”³⁵⁵ DOJ further observed that it was “easily able to draw an illustrative redistricting plan” that would include a voting ward with a significant Black voting population.³⁵⁶ And DOJ found “credible evidence” that the city “unnecessarily rushed the redistricting process to avoid considering an alternative plan that would allow [B]lack voters the ability to elect a candidate of choice in one ward.”³⁵⁷ In the wake of DOJ’s objection, the city redrew its districts and created for the first time a ward where Black voters had the ability to elect their preferred candidate.³⁵⁸

³⁵³ Letter from Thomas E. Perez, Ass’t Att’y Gen., to Kenneth Dreher, Esq. & David Wade (Dec. 3, 2012), https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/I_121203_0.pdf.

³⁵⁴ *Id.* at 2.

³⁵⁵ *Id.*

³⁵⁶ *Id.*

³⁵⁷ *Id.* at 2-3.

³⁵⁸ The Leadership Conference, *VRA for Today: Moving Voting Rights Forward* (July 17, 2021), http://civilrightsdocs.info/pdf/voting/2015-07-17%20Voting%20Discrimination%20Stories_c4.pdf.

3. City of Natchez (2011) (Redistricting)

In 2011, the City of Natchez in Adams County sought preclearance for a redistricting plan.³⁵⁹ DOJ objected to the plan after observing a historical “pattern of the city modifying ward lines to limit black voting strength.”³⁶⁰ DOJ noted that the Black population in the city as a whole, and specifically in the area encompassing the city’s Ward 5, had been increasing, yet in each redistricting cycle since 1984, the city had taken steps to reduce the Black population share in Ward 5.³⁶¹ The 2011 plan at issue continued this trend by proposing to move Black voters from Ward 5 to other Wards—Wards 1, 2, and 4—where Black voters had already demonstrated an ability to elect candidates of choice.³⁶² The city claimed that the redistribution of voters was necessary to avoid retrogression in the existing “ability-to-elect” Wards 1, 2, and 4, but DOJ found that explanation unpersuasive, as it found that each ability-to-elect ward “could experience a decrease in the black share of the voting age population while still maintaining their ability-to-elect status.”³⁶³ The City of Natchez did not attempt to redraw district lines until 2015, after the city’s former mayor filed a federal lawsuit alleging that the existing voting districts weakened the Black vote.³⁶⁴ Three weeks after the suit was filed, the City of Natchez Board of Aldermen voted unanimously to start the redistricting process, and the city attorney informed the press that Natchez would be hiring a redistricting consultant to facilitate the process.³⁶⁵

³⁵⁹ Letter from Thomas E. Perez, Ass’t Att’y Gen., to Everett T. Sanders, Esq. (Apr. 30, 2012), https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/I_120430_0.pdf.

³⁶⁰ *Id.* at 2.

³⁶¹ *Id.* at 3.

³⁶² *Id.*

³⁶³ *Id.* at 2-3.

³⁶⁴ Sarah Cook, *Aldermen Vote to Research Redistricting*, *The Natchez Democrat* (June 11, 2015), <https://www.natchezdemocrat.com/2015/06/11/aldermen-vote-to-research-redistricting/>.

³⁶⁵ *Id.*

4. Amite County (2011) (Redistricting)

In 2011, Amite County sought preclearance for a redistricting plan for its board of supervisor and county election commission districts.³⁶⁶ Under the plan, one of two districts in which Black residents had the ability to elect a candidate of choice to office would lose its ability-to-elect status.³⁶⁷ The county claimed that ability to elect would exist in another district because it has a similar demographic profile.³⁶⁸ DOJ objected to the plan. It first determined that the proposed plan was retrogressive. DOJ noted that Black voters in the claimed new ability-to-elect district “turnout to vote at lower levels and exhibit lower levels of electoral cohesiveness than is present” in the district that would lose its ability-to-elect status.³⁶⁹ In addition, there had been “a nearly complete lack of any minority political activity for the past two and [a] half decades in the area that would comprise” the new, purported ability-to-elect district, meaning both potential candidates for elective office and support structures for campaigns were not present in the area, which would negatively impact the ability of Black voters “to participate effectively in the political process.”³⁷⁰ DOJ also found evidence, including from interviews with decision makers, that the shift in Black voter population from one district to another “was motivated by a desire to reduce . . . minority voting strength.”³⁷¹ Many white residents of Amite County remain resistant to the need for voting controls, telling reporters in the lead-up to the Supreme Court’s *Shelby County* decision that issues of race and voting controls were problems of “generations ago”: “It wasn’t us.”³⁷² Black residents in the area, on the other hand, told those same reporters that Amite

³⁶⁶ Letter from Thomas E. Perez, Ass’t Att’y Gen., to Tommie S. Cardin, Esq. (Oct. 4, 2011), https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/l_111004.pdf.

³⁶⁷ *Id.* at 2.

³⁶⁸ *Id.*

³⁶⁹ *Id.*

³⁷⁰ *Id.*

³⁷¹ *Id.* at 2-3.

³⁷² Campbell Robertson, *A Divide on Voting Rights in a Town Where Blood Spilled*, N.Y. Times (Mar. 1, 2013), <https://www.nytimes.com/2013/03/02/us/politics/a-divide-on-voting-rights-where-blood-spilled.html>.

County, specifically, would have significant problems with election equality were Section 5 to become a thing of the past.³⁷³

5. Kilmichael (2001) (Cancelled Election)

In 2001, the Town of Kilmichael in Montgomery County sought preclearance to cancel the town's general election.³⁷⁴ At the time, the town was governed by a mayor and a five-member board of aldermen, all of whom were white.³⁷⁵ Only one Black person had ever served on the board, and since 1965 only four other Black candidates had ever run for board positions.³⁷⁶ And no Black person had ever sought the office of mayor until 2001.³⁷⁷ In 2001, however, a significant number of Black candidates qualified for both races; three weeks before the election, without notice to the community, the board voted to cancel the general election.³⁷⁸ DOJ objected. The town claimed that it cancelled the election in order to develop a single-member ward system for electing town officials, but DOJ noted that the context of the town's actions suggested otherwise.³⁷⁹ First, the decision "came only after black persons had become a majority of the registered voters and the release of census data indicated that black persons were now a majority of the population in the town," and second, "the decision occurred only after . . . it became evident that there were several black candidates for office, and that under the existing at-large electoral method," black candidates had a "very strong potential to win a majority of municipal offices, including mayor."³⁸⁰ DOJ further concluded that canceling an election was retrogressive; "[h]ad the election been held, blacks would have exercised the opportunity to attempt to elect candidates of their choice to the mayoral and board seats," and the cancellation left "black citizens worse

³⁷³ *Id.*

³⁷⁴ Letter from Ralph F. Boyd, Jr., Ass't Att'y Gen., to J. Lane Greenlee, Esq. (Dec. 11, 2001), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/MS-2680.pdf>.

³⁷⁵ *Id.* at 1.

³⁷⁶ *Id.*

³⁷⁷ *Id.*

³⁷⁸ *Id.* at 2.

³⁷⁹ *Id.*

³⁸⁰ *Id.*

off because of the denial of that opportunity.”³⁸¹ It was only after DOJ forced Kilmichael to hold an election in 2003 that the town elected its first Black mayor, along with three Black aldermen.³⁸²

6. McComb (1997) (Withdrawn 9-20-99) (Changes to Polling Locations)

In 1997, the City of McComb in Pike County sought preclearance to, among other things, change polling places within the city.³⁸³ Specifically, the city proposed that nearly 700 Black voters who had previously voted at a polling location “easily within walking distance of their homes” would instead have to vote at a location up to four miles away.³⁸⁴ DOJ objected to the change of certain polling place locations, observing that many of the Black voters affected did not have access to a private vehicle or public transportation, and that the city did not consider alternative locations despite the fact that residents raised concerns regarding accessibility of the new polling places during deliberations on the decision.³⁸⁵ DOJ withdrew its objection in 1999 after the county established a new polling place for the affected voters.³⁸⁶

7. Grenada (1996) (Withdrawn 6-28-05) (Annexation, Cancelled Election, Redistricting)

Between 1993 and 1997, the City of Grenada in Grenada County sought preclearance for an annexation, cancellation of a general municipal election, and a

³⁸¹ *Id.* at 3.

³⁸² 152 Cong. Rec. S14711, 14712 “Voting Rights Act Reauthorization” (statement of Sen. Patrick Leahy), <https://www.govinfo.gov/content/pkg/CRECB-2006-pt11/html/CRECB-2006-pt11-Pg14711-3.htm>.

³⁸³ Letter from Bill Lann Lee, Acting Ass’t Att’y Gen., to John H. White, Jr., Esq. (June 28, 1999), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/MS-2670.pdf>.

³⁸⁴ *Id.* at 1-2.

³⁸⁵ *Id.* at 2.

³⁸⁶ U.S. DOJ, *Voting Determination Letters for Mississippi*, <https://www.justice.gov/crt/voting-determination-letters-mississippi>.

redistricting plan.³⁸⁷ DOJ objected to the changes, observing that they would each have a substantial adverse impact on Black voters. The annexation almost quintupled the geographic area of the city, changing the city from majority-Black to majority-white.³⁸⁸ The redistricting plan would unnecessarily reduce the number of wards where Black voters had a majority from four to three.³⁸⁹ These reductions were especially significant because there had been several recent elections in which voting had been polarized along racial lines, and in which the candidate favored by Black voters lost by narrow margins.³⁹⁰ And DOJ concluded that, had the cancelled election been held, a Black candidate had “a reasonable chance of winning.”³⁹¹ Altogether, DOJ concluded that the changes reflected “a pattern of alternating action and inaction, indicative of a purpose to maintain and strengthen white control of a City on the verge of becoming majority black.”³⁹²

B. Mississippi Has Committed At Least 11 Voting Rights Violations that Are the Subject of Litigation Judgments, Settlements, and Consent Decrees Over the Past 25 Years

1. *Citizens for Good Gov’t v. Quitman* (1998) (At-Large Elections) (Preliminary Injunction and Final Judgment)

In 1993, a nonprofit group sued the City of Quitman, Mississippi, arguing that the city violated Section 2 of the Voting Rights Act by electing its five aldermen from at-large districts, thus diluting the voting strength of the city’s Black voters.³⁹³ A federal court granted a preliminary injunction, enjoining the upcoming 1993 alderman

³⁸⁷ Letter from Bill Lann Lee, Acting Ass’t Att’y Gen., to T.H. Freeland IV, Esq. (Aug. 17, 1998), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/MS-2660.pdf>.

³⁸⁸ *Id.* at 2-3.

³⁸⁹ *Id.* at 3.

³⁹⁰ *Id.*

³⁹¹ *Id.*

³⁹² *Id.* at 4.

³⁹³ *Citizens for Good Gov’t v. Quitman*, 148 F.3d 472, 474 (5th Cir. 1998) (per curiam).

elections.³⁹⁴ The court later entered a final judgment, concluding that the City's system of electing its alderman from at-large districts violated Section 2.³⁹⁵

2. *Clark v. Calhoun County* (1996) (Redistricting)

In 1996, Black voters challenged Calhoun County, Mississippi's redistricting plan. Rather than drawing a "geographically compact black majority district," the county created a plan that divided Black residents between five districts, where the Black population ranged from 19% to 42%.³⁹⁶ A federal appellate court held that the plan "dilute[d] minority voting strength" and therefore violated Section 2 of the Voting Rights Act.³⁹⁷

3. *Gunn v. Chickasaw County* (1997) (Redistricting)

In 1997, a federal court found that Chickasaw County's redistricting plan for its justice court judge and constable elections violated Section 2 of the Voting Rights Act.³⁹⁸ The court concluded that "the lingering effect of the past history of discrimination, the racially polarized voting patterns, the substantial socio-economic differences between black and white citizens, and the lack of success of black candidates in country-wide, county district and city-wide elections in Chickasaw County causes black voters to 'have less opportunity than other members of the electorate in the political process and to elect candidates of their choice.'"³⁹⁹

4. *Houston v. Lafayette County* (1998) (Redistricting)

In 1998, a federal court ruled that Lafayette County violated Section 2 of the Voting Rights Act by diluting the voting power of Black voters in the county when it redrew lines for the five single-member districts that elect the county's Board of

³⁹⁴ *Id.*

³⁹⁵ *Id.*

³⁹⁶ *Clark v. Calhoun County*, 88 F.3d 1393, 1395 (5th Cir. 1996).

³⁹⁷ *Id.* at 1408.

³⁹⁸ *Gunn v. Chickasaw County*, 1997 WL 33426761, at *4 (N.D. Miss. Oct. 28, 1997).

³⁹⁹ *Id.*

Supervisors.⁴⁰⁰ The court found evidence of vote dilution, observing, “[s]ince 1983, blacks have run for a seat on the Board of Supervisors approximately 12 times and lost every time but once.”⁴⁰¹ Although Black candidates “enjoyed somewhat better success running for other county offices such as constable and board of education member,” the court found those elections were not as probative as the supervisory elections at issue.⁴⁰² And, even though the county did not “currently appear to touch the right of blacks to register, vote or otherwise participate in the democratic process,” the totality of the circumstances showed evidence of vote dilution.⁴⁰³

5. *Jamison v. Tupelo* (2007) (At-Large Elections)

In 2007, a federal court found that the City of Tupelo’s use of an at-large voting scheme violated Section 2 of the Voting Rights Act by diluting the voting power of Black voters in the city.⁴⁰⁴ The court found that the evidence showed “African American political cohesion and racial bloc voting,” yet “no African American has been elected to the at-large city council position.”⁴⁰⁵

6. *Teague v. Attala County* (1996) (Redistricting)

In 1996, a federal court of appeals held that Attala County’s redistricting plans for the election of county supervisors and county constables violated Section 2 of the Voting Rights Act by diluting the voting power of Black voters in the county’s five single-member districts to elect county supervisors and its two single-member districts to elect justice court judges. Under the plans, Black voters were the majority in only one of the five supervisor districts, and Black voters were a minority in both of the justice court judge districts.⁴⁰⁶ Although Black residents comprised 39.5% of the county’s population, the court found that “no black candidate has ever won a county-wide

⁴⁰⁰ *Houston v. Lafayette County*, 20 F. Supp. 2d 996, 1004 (N.D. Miss. 1998).

⁴⁰¹ *Id.* at 1003.

⁴⁰² *Id.*

⁴⁰³ *Id.*

⁴⁰⁴ *Jamison v. Tupelo*, 471 F. Supp. 2d 706, 716 (N.D. Miss. 2007).

⁴⁰⁵ *Id.*

⁴⁰⁶ *Teague v. Attala County*, 92 F. 3d 283, 285 (5th Cir. 1996).

election or an election in a white majority district when pitted against a white candidate.⁴⁰⁷ The court found “overwhelming evidence” of “black political cohesion and racial bloc voting.”⁴⁰⁸ The court further found that the failure of Black voters to elect candidates of their choice could not be explained by voter apathy.⁴⁰⁹

7. *United States v. Brown* (2007) (Election Procedure) (Preliminary Injunction and Final Judgment)

In an “unconventional, if not unprecedented use of the Voting Rights Act,” the United States alleged that the Noxubee County Democratic party administered the primary “in such a way as to discriminate against white voters and white-preferred candidates” and to dilute white voting strength.⁴¹⁰ A federal court issued a preliminary injunction, enjoining the upcoming Democratic Primary runoff elections.⁴¹¹ The court ultimately ruled that the defendants violated Section 2.⁴¹² But the court also noted that it “does not doubt that similar discrimination against blacks continues to occur throughout this state, perhaps routinely.”⁴¹³ The court further acknowledged that “it may be true . . . that the Justice Department has not been responsive, or fully responsive to complaints by black voters.”⁴¹⁴ But it emphasized that “the politics of the decision to prosecute this case,” did not factor in the court’s decision, and “[i]f the same facts were presented to the court on behalf of the rights of black voters, this court would find that Section 2 was violated.”⁴¹⁵

⁴⁰⁷ *Id.*

⁴⁰⁸ *Id.* at 291-92.

⁴⁰⁹ *Id.* at 295.

⁴¹⁰ *United States v. Brown*, 494 F. Supp. 2d 440, 443 (S.D. Miss. 2007), *aff’d*, 561 F.3d 420 (5th Cir. 2009).

⁴¹¹ *United States v. Brown*, No. 4:05-cv-33 (TSL/LRA) (S.D. Miss. July 31, 2007) (order granting preliminary injunction).

⁴¹² *Brown*, 494 F. Supp. 2d at 486.

⁴¹³ *Id.*

⁴¹⁴ *Id.*

⁴¹⁵ *Id.*

8. Consent Decrees

In the past 25 years, Mississippi citizens have challenged a number of at-large voting schemes in Mississippi that culminated in federal courts approving settlements or on four occasions, entering consent decrees.⁴¹⁶ Mississippians also brought one challenge to a redistricting plan in Mississippi that culminated in a consent decree in 1995.⁴¹⁷

In addition to these consent decrees, throughout the 1980s and 1990s, a class of plaintiffs challenged various redistricting plans in the City of Greenville, Mississippi.⁴¹⁸ The parties ultimately reached an agreement on a replacement redistricting plan.⁴¹⁹ In 1998, a federal court awarded attorneys' fees to the plaintiffs after concluding that the plaintiffs were the "prevailing party."⁴²⁰ The court found that the plaintiffs' lawsuit "was a significant catalyst in the replacement of an unconstitutionally malapportioned plan."⁴²¹

IV. Conclusion

As this report illustrates, Mississippi continues to disenfranchise Black voters and act in violation of the Constitution and the VRA. Voters in Mississippi, therefore, desperately need Congress to act swiftly and pass H.R. 4 to protect their civil rights. The evidence in this report provides current data to support the congressional record in conjunction with these efforts. The United States can no longer tolerate the kind of systemic disenfranchisement of the nation's citizens based on race that is depicted in this report.

⁴¹⁶ See *Voting Landscape: State-by-State Profiles, Mississippi*, Nat'l Comm'n on Voting Rights (2015), <http://votingrightstoday.org/ncvr/resources/state-pages>; see also *Copeland v. Corinth*, No. 1:02-cv-00292 (N.D. Miss. 2003); *Tryman v. City of Starkville*, No. 1:02-cv-111 (N.D. Miss. 2003); *Coffey v. Calhoun City*, No. 3:00-cv-00103 (N.D. Miss. 2002); *Young v. Town of Kilmichael*, No. 3:01-cv-00092 (N.D. Miss. 2001); *Hogan v. Town of Merigold*, No. 2:93-cv-00086 (N.D. Miss. 1995); *Sanders v. Town of Taylorsville*, No. 3:1992-cv-00711 (S.D. Miss. 1995); *Croft v. Town of Webb*, 2:93-cv-00087 (N.D. Miss. 1995).

⁴¹⁷ See *Woodard v. Webster County*, No. 3:91-cv-00093 (N.D. Miss. 1995).

⁴¹⁸ *Thornton v. City of Greenville*, 1998 WL 930709 (N.D. Miss. Nov. 2, 1998).

⁴¹⁹ *Id.* at *2.

⁴²⁰ *Id.* at *5-6.

⁴²¹ *Id.*

By passing H.R. 4, Congress—and the nation—can demonstrate a commitment to, and reaffirm the importance of, the bedrock American ideals of democracy and equality.

Exhibit List

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Appendix A - Analysis of Municipal At-Large Elections

Name	County	Population (2010 Census)	Number of Black Residents (2010 Census)	Black Residents As Percentage of Population (2010 Census)	Total Aldermen	Number of Black Aldermen	Number of Aldermen Elected At-Large	Number of Black Aldermen Elected At-Large	Race of Mayor
Jackson	Hinds	166,383	136,728	82.2%	7	5	0	0	Black
Gulfport	Harrison	71,676	26,994	37.7%	7	2	0	0	White
Southaven	DeSoto	54,152	15,134	27.9%	7	0	1	0	White
Hattiesburg	Forrest, Lamar	46,098	24,417	53.0%	5	2	0	0	White
Biloxi	Harrison	45,906	9,292	20.2%	7	1	0	0	White
Tupelo	Lee	38,271	14,974	39.1%	7	2	0	0	White
Meridian	Lauderdale	37,848	23,798	62.9%	5	4	0	0	Black
Olive Branch	DeSoto	37,461	11,397	30.4%	7	0	1	0	White
Greenville	Washington	30,588	25,001	81.7%	6	4	0	0	Black
Horn Lake	DeSoto	27,080	12,187	45.0%	7	1	1	0	White
Oxford	Lafayette	26,962	6,571	24.4%	7	1	1	0	White
Pearl	Rankin	26,461	6,976	26.4%	7	0	1	0	White
Madison	Madison	25,592	2,747	10.7%	7	0	1	0	White
Starkville	Oktoberfest	25,387	8,879	35.0%	7	2	0	0	White
Clinton	Hinds	25,131	9,799	39.0%	7	1	1	0	White
Ridgeland	Madison	24,269	9,001	37.1%	7	0	1	0	White
Columbus	Lowndes	24,083	15,216	63.2%	6	4	0	0	White
Brandon	Rankin	23,930	4,580	19.1%	7	1	1	0	White
Vicksburg	Warren	22,332	15,094	67.6%	2	1	0	0	Black
Pascagoula	Jackson	21,809	7,656	35.1%	6	2	1	0	White
Laurel	Jones	18,508	11,868	64.1%	7	4	0	0	Black
Gautier	Jackson	18,496	5,695	30.8%	6	0	1	0	White
Ocean Springs	Jackson	17,729	1,226	6.9%	7	0	1	0	White
Hernando	DeSoto	15,942	2,137	13.4%	7	1	1	0	White
Clarksdale	Coahoma	15,734	12,876	81.8%	4	2	0	0	Black
Long Beach	Harrison	15,698	1,217	7.8%	7	0	1	0	White
Natchez	Adams	14,981	9,558	63.8%	6	4	0	0	White
Corinth	Alcorn	14,562	3,583	24.6%	6	1	1	0	White
Greenwood	Leflore	14,040	10,259	73.1%	7	5	0	0	White
D'Arville	Harrison	13,673	3,633	26.6%	3	0	1	0	White
Moss Point	Jackson	13,451	9,389	69.8%	7	6	1	1	Black
Bay St. Louis	Hancock	13,018	2,060	15.8%	7	1	1	0	White
McComb	Pike	12,725	9,863	77.5%	6	4	1	1	Black
Grenada	Grenada	12,475	7,043	56.5%	7	4	0	0	White
Canton	Madison	12,222	8,917	73.0%	7	6	0	0	Black
Brookhaven	Lincoln	12,115	7,341	60.6%	7	4	1	0	White
Cleveland	Bolivar	11,627	5,904	50.8%	7	3	1	0	White
Byram	Hinds	11,578	8,057	69.6%	7	5	1	1	White
Yazoo	Yazoo	11,063	9,447	85.4%	4	4	0	0	Black
Picayune	Pearl River	11,040	4,323	39.2%	5	1	0	0	White
West Point	Clay	10,626	6,603	62.1%	5	4	0	0	White
Petal	Forrest	10,584	1,391	13.1%	7	0	1	0	White
Indianola	Sunflower	9,450	7,725	81.7%	5	3	0	0	White
Flowood	Rankin	9,030	2,817	31.2%	5	1	1	0	White
New Albany	Union	8,705	2,880	33.1%	5	1	1	0	White
Booneville	Prentiss	8,637	1,304	15.1%	5	1	1	0	White
Diamondhead	Hancock	8,103	99	1.2%	5	0	1	0	White
Senatobia	Tate	7,840	3,151	40.2%	5	1	1	0	White
Holly Springs	Marshall	7,737	6,263	80.9%	5	4	1	1	Black
Batesville	Panola	7,245	3,431	47.4%	5	1	1	0	White
Philadelphia	Neshoba	7,218	3,432	47.5%	5	3	1	1	Black
Richland	Rankin	7,175	1,548	21.6%	5	1	5	1	White
Amory	Monroe	6,932	2,166	31.2%	5	1	1	0	White
Kosciusko	Attala	6,855	3,698	53.9%	5	2	1	0	White
Waveland	Hancock	6,336	841	13.3%	4	0	1	0	White
Louisville	Winston	6,124	3,902	63.7%	5	3	1	1	White
Pontotoc	Pontotoc	6,015	1,645	27.3%	5	1	1	0	White
Columbia	Marion	5,992	2,917	48.7%	5	1	1	0	White
Pass Christian	Harrison	5,877	1,403	23.9%	5	1	1	0	White
Forest	Scott	5,629	2,425	43.1%	5	1	0	0	White
Aberdeen	Monroe	5,326	3,860	72.5%	5	4	0	0	Black
Ripley	Tippah	5,290	1,810	34.2%	5	1	1	0	White
Saltillo	Lee	5,009	503	10.0%	5	0	5	0	White
Waynesboro	Wayne	4,863	3,064	63.0%	5	3	1	1	White
Carthage	Leake	4,830	2,262	46.8%	4	2	0	0	Black
Crystal Springs	Copiah	4,794	3,375	70.4%	5	2	1	0	White
Ellisville	Jones	4,714	2,349	49.8%	5	1	1	0	White
Wiggins	Stone	4,506	1,259	27.9%	5	2	1	0	Black
Florence	Rankin	4,413	214	4.8%	5	0	5	0	White
Winona	Montgomery	4,227	2,292	54.2%	5	2	0	0	White
Magee	Simpson	4,206	2,011	47.8%	5	1	1	0	White
Fulton	Itawamba	4,016	745	18.6%	5	1	1	0	White
All Municipalities:		1,290,400	604,222	46.8%	412	137	60	8	
Municipalities with < 50% Black Residents:		742,547	212,664	28.6%	260	39	50	2	
Municipalities with > 50% Black Residents:		547,853	391,558	71.5%	152	98	10	6	

Exhibit 1

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Angeline [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Hinds County in Mississippi.
3. I voted by absentee ballot for the 2020 presidential election. However, I voted in person for the mayoral runoff election on June 8, 2021. The parking lot for the [REDACTED] voting site was full of potholes, stacks of roofing material, and a crane because they claimed they were doing work on the school (Exhibit A). The school parking lot has craters and potholes and can only hold around 15 cars. In the parking lot, there were so many potholes that when I backed up my car, I landed in a pothole. There was hardly any room to park because of these obstructions. I had to park at the curb. There were no parking directions or anything. I didn't know why they did that and handled it that way. It was very discouraging.
4. The sign pointing to where you were supposed to go to vote was hidden behind the crane and some white covered stacks (Exhibit B). The door, inaccessible from the parking lot, contained a sheet of 8X11 typing paper with a size 14 typing font that was taped to the original entry door. This was impossible to read from any distance. When I looked for any signs in the

long walk from the curb, there were none. Finally reaching an open door with this sign taped to it, it lead to a dimly lighted stage.

5. They said that there was supposedly a sign where we parked on the curb that said "Voting Here" but it didn't tell me where to go, and they covered up the parking area where we were supposed to park with the crane and roofing materials.
6. I have multiple sclerosis, and there was no handicap access. If I had to use my motorized scooter, I wouldn't have been able to get up the step. Usually they have a ramp but they didn't have this provision anywhere that I could see. I had to turn sideways to get up the step. I also wouldn't have been able to get up onto the curb. You can't climb those heights with a motorized scooter, and they didn't have a ramp where the curb or the single step was. And I didn't even know if I was headed in the correct direction because of the lack of signage. I thought they had moved the voting site.
7. I walked with some lady who was going in the same direction. It was very hard to get to the door, it was a far distance. I would say that I had to walk up the walkway into the front of the school and down the sidewalk a third of the distance I had already walked, very difficult for me. Where the crane was, you couldn't get through it with a car or a scooter, and it also didn't

seem safe to have it there. They could have put a sign on the crane or roofing material telling people where to go.

8. On top of that, I lost my keys in the grass because I was so tired from walking to the voting site. They held them up and said “who lost their keys?” I was on my way back to the car and didn’t realize I had dropped my keys.
9. Inside the building, there isn’t even decent lighting to mark your ballot. I keep complaining, and they do nothing about it. The room is very dark, which makes it so difficult to see your ballot.
10. If I didn’t have stamina to walk that day, I would not have been able to get there, you’re on a five foot high stage when you vote. On top of that, I would say that I had to walk 30 feet or more to get to the door that we normally go in and then another 15 feet or more to get to the voting area. Not only was there no handicap access, they made it especially difficult to find the voting area and access it.
11. So all the problems with voting in the mayoral election runoff include the obstructed and pothole-ridden parking lot, poor signage as to where to go to vote, no handicap access, and a darkened room that made it very difficult to see the ballot. We used to have a much better voting location at the [REDACTED] [REDACTED] for around 8-10 years. I was not informed of this voting location

change, which happened around 3 years ago. I had to call the circuit clerk to find out that the voting site had changed. I called my city alderman about this voting location to ask why we have to vote in such a hazardous location but I never got any response.

12. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
13. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
14. I declare under penalty of perjury that the foregoing is true and correct.


Angeline 

July 20, 2021
Date

Exhibit A
Obstructions at Voting Site Parking Lot



Exhibit B
Obstructions to Voting Sign /Door

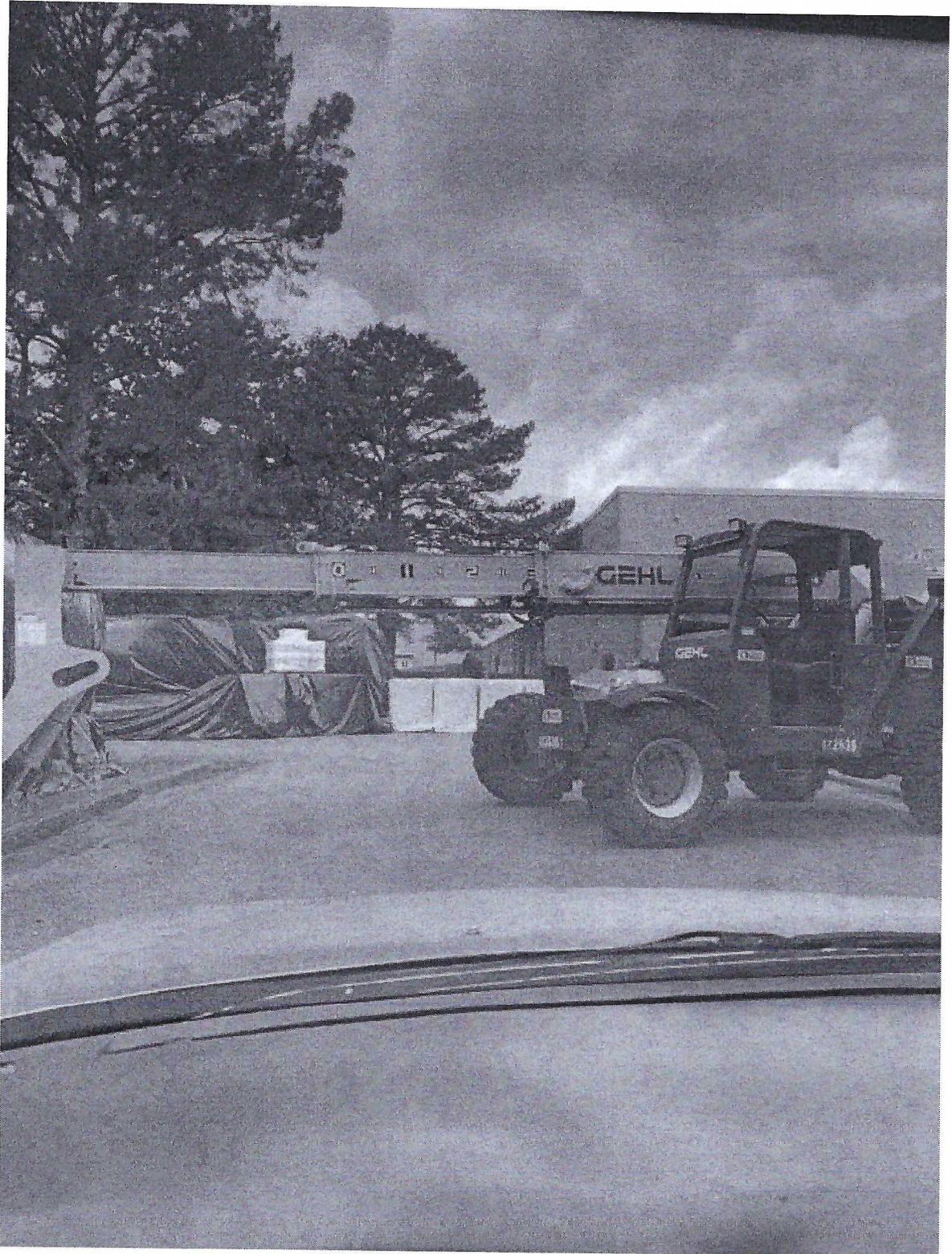


Exhibit 2

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Bennie [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Harrison County, Mississippi. My residence address is [REDACTED]
3. I am a Mississippi native and have been a Mississippi voter for over 30 years, during which. I lived at the address listed above. For many years, our voting location was [REDACTED]. For the general election in 2020, we were notified that our polling place had been changed to [REDACTED] [REDACTED] within my same zip code.
4. The attendees of the church where we voted are almost all white. I am a person of color, as are my wife and daughter who went to vote with me. Although I did not feel intimidated when we went to vote, I was curious as to why it is appropriate for a place of worship to be used as a polling place, given the separation of church and state, and why, if a church were chosen as a voting location, it could not be a majority black church.
5. In 2016, when I voted in the general election, I had to wait in line for approximately one hour at the school. In 2020, the wait at the church was approximately one and one-half hours.

6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness in this litigation.
8. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
4ADC7A38FF11466...
BENNIE [Redacted Name]
7/18/2021
DATE

Exhibit 3

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Bernice [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Hinds County in Mississippi.
3. I have been voting at the same location, [REDACTED]
[REDACTED]
4. In the most recent election, June 8, 2021, my polling place was changed. This change was a total surprise to me.
5. This election was for Mayor and Alderman.
6. Shortly before the election, there was a sign at the entrance of my subdivision indicating that we should vote at the [REDACTED]. This was the first I heard of this change. Nothing came in the mail to alert me to the new location.
7. The [REDACTED] is roughly the same distance from my home as the Church where I usually vote.
8. I did not understand why my polling place had changed. A candidate walking through my subdivision explained that the location had changed because of COVID, as they needed a larger location.

9. The [REDACTED] was larger and it complied with COVID-19 safety rules around social distancing.
10. Nobody at the polls told me why the location had changed.
11. I had voted at the [REDACTED] one time previously but can't recall the year.
12. I went to that location, was given my card, and voted; however, it took multiple tries for the machine to accept my card, and I was told by a poll worker that the machines were having problems.
13. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
14. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
15. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[REDACTED]
Bernice [REDACTED]
6/22/2021
Date

Exhibit 4

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Caitlin [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Lafayette County in Mississippi.
3. I've lived in Oxford, Mississippi for 11 years now. In the last year, I have experienced difficulties in voting, both personally and in my family.
4. In the presidential election in November 2020, I had to wait in line to vote for over 2.5 hours. The polling location is in a [REDACTED]. I always vote there. Usually the wait time isn't too long. In my eleven years here, I've never seen anything like the line for the 2020 election. In the past the line might be out the door, but you are at least on the sidewalk or in the parking lot.
5. The community center has a small parking lot. I don't know for sure how many spaces, but I'd be surprised if it has more than 40. This is not the first election that I've had to circle around to park and then walk back to the polling center. Oxford is a college town. The feel is like a rural suburb. The polling place is at the top of a hill on an underused side road, so finding additional parking isn't easy. For the 2020 election I had to park down at the

bottom of the hill in a fast-food parking lot and walk about ten minutes uphill and on the side of a busy main highway.

6. The weather was hot. It's Mississippi. I don't recall the exact temperature, but it may have gotten to 80 degrees. I think there was a slight breeze but not much cloud cover. I do recall thinking that although I was warm, I didn't want to remove my sweater because I might get sunburned.
7. I went to vote by myself. My husband and I took turns going to vote because we have a young baby at home. Thank goodness I was on maternity leave so I could spend the time in line. I think employees of Ole Miss, where I work, are technically allowed two hours to go to vote, but that is definitely not advertised, and I know people have tried to go on lunch breaks or turn in leave forms for voting before. I think I just learned about the two-hour allowance for voting recently when I was looking up policies for my family leave benefits.
8. It was super annoying to wait in the hot sun for more than two hours. Elections are important, so I wouldn't have missed it. All I could think of while I was waiting was how I was doing this for my son. How desperately I wanted him to know that America voted against Trump. How much I wanted for the first President for him to be aware of and name not be Donald

Trump. How much I wanted for him to think it was normal to see a woman in the Vice President position. Thinking of his future kept me going.

9. Everyone in line was doing ok. Oxford is a relatively liberal town for Mississippi. Everyone was wearing masks and trying to keep a decent distance from each other in line. I mostly just thought about my son and watched Instagram videos for 2.5 hours. When my husband had voted earlier in the day, he had to wait about an hour. Some people offered water and pizza, but by the time they came around I was at the door of the civic center. The polling place did not explain the delay or address the line. It was just business as usual once I got inside.
10. In the recent local mayoral election in June 2021, I experienced a different voting issue. I went to my usual voting place after work and saw signs saying, "Vote Today." I walked up to the door only to find the doors locked and a sign on the door telling me to drive all the way across town, which was super annoying. It's only a ten-minute drive, but the weather was terrible with heavy rain and flash flood warnings.
11. I don't recall it being advertised almost anywhere that voting was in only one single location. There were some small yard size signs on the sides of roads which may have had it in fine print, but I definitely wouldn't have noticed it

on my usual commute. Nothing was sent in the mail about it. No local candidates mentioned it on any of their mailings.

12. The election itself was not publicized widely. There was no official city mailing regarding the election. I think I only knew the election was even happening because I follow the mayor and the city and other civic type pages on Facebook.
13. It would not shock me one bit to find out that lots of people didn't know it was an election day. I can't help but think that sketchy Jim Crow era tactics are still in play. I can't say for certain but even though Oxford tries really hard, we still have a Confederate statue downtown. The local paper reported the number of voters registered vs. actual active voters and I wasn't surprised that the turnout for the election was so small. I was frustrated, confused, and annoyed about both the lack of information about the election happening and the single polling location.
14. A third voting issue concerns my husband. He is immunocompromised and I wanted him to get an absentee ballot during the time of covid, but that was not an option here in Mississippi, so he had to vote in person. As someone who lives in this state and who works at the flagship university where we deal with a lot of government red tape, I find the limitations and hurdles to voting deeply frustrating.

15. I find it all so infuriating because so many of these restrictions that are already in place are obvious Jim Crow holdovers. And I'm an upper/middle class white lady! Imagine how a person of color or others with less forgiving jobs or all manner of challenges must feel! I feel strongly that laws should make it easier for people to vote. As an example, I believe if absentee voting was widely available in Mississippi, things could really change for the better.
16. Voting is important for so many reasons. First of all, it's a huge privilege, and something that I think a lot of Americans take for granted. It's an easy way to make change in your community. It's important to have your voice heard on every level.
17. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
18. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
19. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
Caitlin [Redacted]
6/29/2021
Date

Exhibit 5

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Candice [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jasper County in Mississippi.
3. I live in a rural area near Paulding, an unincorporated community in Jasper County in central Mississippi. I am a single mother of three young children. I support my family working as a home health care aide employed by a company in Quitman, Mississippi which is in Clarke County. It is a 45-minute drive each way for me to get to work.
4. Voting is very important to me because it is the only way to possibly have my voice heard by the government. I am 40 years old now and have been voting regularly since I was 18. Growing up, the importance of voting was impressed on me by my father, my grandmother, and my great grandmother.
5. I now live with my 90-year-old grandmother, Gladys [REDACTED]. She is frail and walks with a cane. The only way she is able to vote these days is by absentee ballot. Since she is over 65 years old, she is entitled to vote by mail-in absentee ballot under Mississippi law. However, the County will not simply mail her an absentee ballot. Instead, for each election, she must make another application for an absentee ballot. Because she is hard of

hearing she cannot use the phone to request an application for an absentee ballot. Therefore, my grandmother asks me to go in person to the Jasper County Courthouse for each election and request an application from the Circuit Clerk. The Circuit Clerk notarizes her application but will not give me the application to take home to my grandmother. Instead, the Clerk mails the application to my grandmother. My grandmother then fills out the application, stating why she is entitled to vote mail-in absentee. She then has me put her application in the mail so it can go back to the courthouse. The Clerk then mails my grandmother an absentee ballot. The ballot also requires that my grandmother state the reason she qualifies to vote mail-in absentee. This absentee ballot must be witnessed, but because of my grandmother's age, she is not required to have her ballot notarized. I am able to witness her ballot because I am over 18 years old. I then mail her ballot back to the courthouse. I cannot hand delivered it or leave it in a drop box.

6. Because my work as a home health care aide requires me to be at work on election day during the times when the polls are open, I qualify to apply to vote absentee in-person. I must request my application for an in-person absentee ballot from the Circuit Clerk at the Jasper County courthouse. The Clerk confirms that I am a registered voter, asks my reason for absentee voting, and gives me an "Official Application for Absentee Elector's

Ballot.” The application itself requires me to again indicate which absentee excuse I am applying for. The Clerk needs to witness my application. Once I have submitted the application, the Clerk provides me with my absentee ballot, which I fill out at the courthouse, signing the back of the envelope. The Clerk then signs the envelope as witness.

7. Making this trip to the Jasper County courthouse during their business hours is difficult because I am a single working mother with young children as well as my grandmother to care for. Just applying for an application for our absentee ballots takes several hours from my day.
8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

Candice
7/20/2021

Date

Exhibit 6

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Catrina [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Rankin County and my address is [REDACTED]
[REDACTED]
3. I have been living at the Brandon address for the past 23 years and I vote in person and have not experienced any problems with voter registration or casting my ballot.
4. When I worked full time 8 to 5, I had no other choice but to vote on election day either at 7 in the morning when the polls opened or after work until 7 when the polls closed.
5. Since 2019 I have been self-employed and have the flexibility to vote anytime on election day, and I am fortunate because my polling place located at the [REDACTED] at the corner of [REDACTED] and [REDACTED] in Pelahatchie is very close to my home.
6. For the 2020 general election I saw photos posted on Facebook of the line at my polling place and because of the huge turnout it was unusually long and ran down [REDACTED] and across the railroad tracks where trains do come

through that area. I went to vote at noon when I knew that the line would be short and I only had to wait about 30 minutes.

7. I am lucky that I can avoid the discomfort that voters experience while waiting in long lines especially rules about not passing out water or food, which seem kind of inhumane and discourages people from voting.
8. For me personally there are older people in my family who do not vote because their options are limited as there is no early voting in Mississippi, the process of voting absentee is onerous requiring that both the application and the ballot be notarized and the lines are too long.
9. Voting is very important to me because I am African American and our community has fought so hard to get the right to vote and it is one of the most essential rights that we have to make sure our voice is heard and if we can't exercise our right to vote then we have nothing.
10. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
11. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

12. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted]

Catrina [Redacted]

7/19/2021

Date

Exhibit 7

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Christopher [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Madison County in Mississippi.
3. On November 6th 2018, I went to vote in the General Election at the [REDACTED]
[REDACTED] The Senate election was a special election, with multiple candidates and a narrow margin for victory.
4. I moved to the area two years prior, so it was the first time I voted at my new polling location. I didn't have a problem registering to vote, but I noticed there wasn't a clear heads up on the website or any of the media as to the lead time I'd need to register before being eligible to vote. Mississippi is not a same-day registration state so I had to do some digging. I learned that I would need to register at least a month out from the election, which I accomplished.
5. I remember pulling into the voting location on election day and listening to the NPR show, 'All Things Considered', running a piece about a hotline going up for people who were experiencing voting issues. I didn't think too much on it at the time but later, after I voted, I called that hotline number.

6. Inside the polling place the lines were short. I live in a heavily white, fairly affluent area compared to the rest of the state so that may be the reason.
7. Once I'd filled out my paper ballot, I handed it to the poll worker and she inserted it into the scanner. The scanner looks like an ATM and the touch screen is visible to the public. When my ballot was scanned, I could see that the message read, to the best of my recollection, something like, 'several of these sections are double or triple marked and if you hit this 'as is' your vote will not be counted.' I was surprised because I thought maybe one error but not three to five separate sections, that's half of the selections I'd made. The elderly poll worker then reached over and in a low-key voice said to me, "Don't worry" as she hit Enter on the touchscreen. It happened in a flash. I wasn't offered another ballot. That specific moment is still crystallized for me. She wasn't in a rush as it's not like there was a big line of people behind me. I left the building feeling as though I'd done my civic duty by voting, but I remembered the NPR show I'd been listening to as I arrived. I went home and called the hotline number they'd mentioned to tell them my story. Unfortunately, they told me that they couldn't do anything to help. I remain uncertain whether my votes counted.

8. I voted in the 2020 General Election at the same polling place and although the lines were much longer because of Covid, it only took me half an hour to vote, and I didn't experience any problems voting.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
11. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
2B1C920F37434AB...
Christopher [Redacted Name]
7/2/2021
Date

Exhibit 8

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Clarence [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.

2. I am a resident of Bolivar County Mississippi, and my residence address is [REDACTED]

3. I am a regular voter in both General and Local Elections. I have voted all my life in Mississippi. I generally vote in person. On one occasion, however,—the June 8, 2021, Municipal Election—I voted absentee. I live in a small town where everyone knows one another, and the polling locations have only changed once in my recollection. In the 2020 General Election, the polling location moved from the [REDACTED] to the [REDACTED] [REDACTED] I can drive to my polling location and because the town is small, there are not long wait times. A line may form at the end of the workday around 5 o'clock, but even then, there is not a long wait to vote.

4. On June 8, 2021, Shelby held a Municipal Election for city officials. For several days prior to the election there were heavy rainstorms. The day of the election the rainfall continued and there was flooding. Homes were flooded, some folks had waist deep water in their yards, and some roads were not passable. An emergency was declared. I voted absentee in this election, so

my vote was counted, but many were not able to get to the polls to vote in person.

5. While there was ample warning of the storms, the election was not postponed and there was no accommodation for the weather. Voters who could not get to the polls were not identified and allowed to vote later. Because they were not able to get to the polls due to the weather, voters were effectively disenfranchised by the natural disaster.
6. The results of the election will stand for four years, but through no fault of their own, only a small percentage of the voters were able to participate.
7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
Clarence [Redacted]
7/20/2021
Date

Exhibit 9

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Claudia [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Forrest County in Mississippi, and my residence address is [REDACTED]
3. I am a serious voter. I vote regularly at the [REDACTED] so I always know where my polling place is even though for some reason they stopped putting up the 'Vote Here' signs a couple years ago.
4. I sometimes work as a poll watcher, so I've seen those signs at other polling places. They always appear a day or so before the election, but nobody seems to know why they stopped putting them up outside the [REDACTED] [REDACTED], which is in a historical area where a lot of Black people live and vote.
5. When I first noticed that there were no signs outside the church, I called City Hall to ask why. The person I spoke with told me they'd check and get back to me, but I never heard back. I've continued to inquire, but still nobody has given me an answer.
6. I believe those precinct signs are necessary. What if I had just moved here, or what if I just forgot where to go vote? It could be very discouraging to try

to find your polling place when it's unmarked. Those signs are very important and should be placed outside ALL precincts so that ALL voters know where to cast their vote.

7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]

Claudia [Redacted Name]

7/19/2021

Date

Exhibit 10

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Debra [REDACTED] I am over eighteen years of age and competent to assert the matters contained herein.
2. I am a resident of Hinds County in Mississippi.
3. I had been registered to vote in Mississippi since October 6, 1984 (the date my voter card was issued).
4. In 2012, I went to vote at the precinct where I normally vote. They did not have my name on the rolls as they previously had for years. Because of this I was not able to vote on that occasion.
5. I have voted at that location, a local fire station, for decades. I had never had any difficult voting prior to this occasion.
6. I was shocked that they did not have my name on the rolls as I had voted there before. I was not given any instructions at the polling place as to what to do nor was I given any option for voting a provisional ballot. I was simply turned away.
7. I went to the Hinds County Courthouse, where the Elections Commission is located, to find out why I had not been able to vote, and told the clerk there about it. I had to take time off from my job to go to the Courthouse.

8. The clerk told me that someone had set up a new voting register and my name was not in it. I had never been notified that my name had been removed.
9. The clerk said that she would get the previous Voting Register Book, and when she did, found my name and address in it.
10. The clerk told me that there had been redistricting and that was why I was not in the new Voting Register Book.
11. The clerk then issued me a voting card and told me if I had any more problems voting, to show my voting card. The date on the new card, which is my current voting card, is January 9, 2013.
12. I have not had any more problems voting since then. I continue to vote at the same polling place.
13. I keep my voting card in my wallet to make sure that I am able to vote, as I have voted in almost every election since I was old enough to do so.
14. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
15. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

16. I declare under penalty of perjury that the foregoing is true and correct.

[Redacted Signature]

Debra [Redacted]

7/13/21

Date



JA C KSO N MS 390

UNIT II P
4

Fair Fight Action
Voter Protection - Declarations
1270 Caroline Street, NE
Suite D120-430
Atlanta, GA 30307

7-2SI544; UJI-1111-1111 1111111111111111

Exhibit 11

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Forrest County in Mississippi.
3. I have been a registered voter in Mississippi for 38 years. I always go to vote in person on election day.
4. Between the years of 2006 and 2020, my polling place was changed from the location printed on my voter registration card without notice on four occasions. This happened twice while living at my current address and twice when I lived in Pike County. The changing of my polling place prevented me from voting on two occasions. On the other two occasions, I was able to reach the new polling location and cast my vote.
5. In 2006, I lived at [REDACTED] in Pike County. My polling location was printed on my voter registration card. It was in a residential area across from the police station, downtown. The first time, I voted at this polling location without any issue.
6. The next time I was able to vote was in 2012 and I returned to the same polling location. A man was there, perhaps he was a security officer. He told me the poll location had moved. He tried to give me directions, but it was to

a part of the city that I was not familiar with. I couldn't understand well enough to follow.

7. My work situation and personal life were too hectic for me to follow up at that time. I had lost my home in 2012. It was very difficult to get any assistance for that and I had enough to contend with.
8. I moved to [REDACTED] in March of 2013. It is just outside the city limits of McComb, Mississippi, still in Pike County. In 2014, I voted for the first time while living there. My polling location was the [REDACTED] [REDACTED]. I was able to vote there.
9. The next time I voted, in the 2016 city and presidential elections, this office was closed down, even though this was the polling location on my voter registration card. I don't think the building was even used anymore for the [REDACTED].
10. There was no notice and there were no directions to the new polling location. I asked my neighbors where to vote, but they said they were not registered voters. I was working overtime and weekends at that time. It would have been hard for me to look into this during the work week. I had no time to go the Circuit Clerk's office. Because I did not know my polling location, I was not able to vote.

11. In November 2020, I voted in the national presidential election. There were two polling addresses printed on my voter registration card with no explanation. Please see Exhibit A. I first drove to the [REDACTED] [REDACTED] I chose this location because the zip code of [REDACTED] matched the zip code of my residence. I was told that my name was not on the roster and that I should go to the second location printed on my card.
12. The second polling location was the [REDACTED] at [REDACTED]. I drove home and parked my car. I was able to walk across the street to the [REDACTED] My name was on the roster and I cast my vote without any problem.
13. In June 2021, there was a mayoral election. There may have been some announcement on the news about the polling locations, but I did not recall the details. No written notice was provided. I returned to the [REDACTED] but no one was there. It was 9 or 10 a.m. and there were only three cars parked there. I thought if I have to knock, that's not right – there must be no one there. I went to the [REDACTED] where my name was on the roster and I cast my vote.
14. Between November and June, they switched the location where I could vote. What is the purpose of having two polling locations on my voter

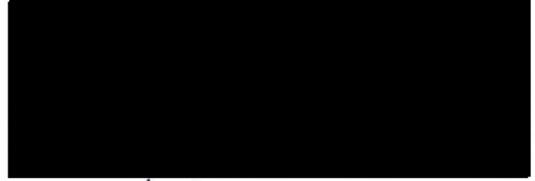
registration card? No explanation is given. It is confusing. Many people might give up. That mayoral election was very important and some people may not have voted because of difficulty finding their polling place. There is much in this state that is like nowhere else.

15. When I moved to Hattiesburg, McComb sent me a notice that I can't vote in McComb anymore because I'm not a resident. I couldn't vote in McComb when I was a resident because of them changing my polling locations without notice. But they sure were efficient about sending me their notice that I can't vote in their precinct anymore. They wanted me to sign and return their notice. Where was their notice about moving my polling location? They sure didn't need any signed confirmation that I had gotten notice of the new polling location. They were more concerned with documenting that I couldn't vote than they ever were with making sure that I could vote.

16. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

17. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

18. I declare under penalty of perjury that the foregoing is true and correct.



30 July 2021
Date

Exhibit A
Hattiesburg Voter Registration Card

 Mississippi Voter Registration Card registration: 08/31/2020
Forrest County Issued: 09/01/2020

County: [REDACTED]
Precinct: [REDACTED]
Address: [REDACTED]
City Precinct: [REDACTED]
Address: [REDACTED]

WARD	REP	SCHD	SCHD	PREC	SEN	SUPR	JO
H3	SH102		H	PCR	SS45	5	1

Gwen Wilks - Circuit Clerk
Michael Watson - Secretary of State

Exhibit 12

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Edna [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Hinds County in Mississippi.
3. I consider myself to be an active voter. Voting is important to me, and I try to vote in every election.
4. I moved from Cumming, Georgia, to Jackson, Mississippi in October 2019, and I have voted in several elections in Mississippi since then.
5. The polling place for my precinct is generally at [REDACTED]
[REDACTED].

However, my polling place for the November 3, 2020, election was merged with the polling place for a different precinct and relocated to [REDACTED]
[REDACTED]

6. I received no notification of the changed location prior to November 3. Luckily for me, my sister also lives in Jackson, and she told me about the change of address for my polling location. Had my sister not informed me of the changed address, I would have gone to vote at [REDACTED]
[REDACTED] and I might not have been able to find the correct location. If the county was going to move polling locations, I think the county should have

made every effort to notify residents who were affected by the move of their new location, and they did not. I do not know whether this information was published in the local newspaper because I, like many other residents, do not subscribe to the local newspaper.

7. When I arrived at [REDACTED], the line to vote was very long. As I stood in line waiting to vote, I heard people who were leaving the polling place after voting tell others standing in line that they had waited two hours to vote. Luckily for me, I have the flexibility to wait to vote. As I stood there, I thought about others who would be disciplined or whose pay would be docked if they took longer than an hour to vote as I watched people at the back of the line leave without voting.
8. When I got closer to the entrance to the polling place, a very upset woman walked out the door and told those of us standing in the front of the line that she had waited two hours to vote, only to be told by the poll workers inside that she could not vote there. Instead, they told her that she had to stand in another line at a different entrance on the north side of the same building. Apparently, residents of one precinct were supposed to stand in line to enter through a door on the south side of the building, and residents of the other precinct were supposed to stand in line to enter through a door on the north

side of the building. Luckily, I just happened to be standing in the right line for my precinct, but it still took me two hours to vote.

9. I did not see any signage anywhere notifying people that there were two entrances, or that voters for each precinct could only enter through one of these entrances. I learned later that the poll workers inside the polling place were not allowed to walk to the end of the line to alert voters that there were two entrances and two lines, and that voters in each precinct could only enter through one of these entrances.
10. While standing in line, I also saw what appeared to be a place for handicapped voters to stand in line to vote, but I did not see any signage about this, and it did not appear that voters standing in line were aware of this.
11. I try to vote in all elections, and I wanted to vote in the 2021 mayoral election, but I did not because I did not receive any information about when the election would be held, or where my polling place would be located. When I lived in Georgia, information about elections was published on the Internet and in social media, as well as in the local newspapers. Since I have moved to Mississippi, neither the state nor the county appears to make any effort to notify voters about elections.

12. The lack of information about elections and polling place locations, coupled with the extremely long lines to vote, frustrate and anger me. American citizens have both a right and a duty to vote, and it should be the duty of our state and local governments to make voting easy and accessible for all citizens who have registered to vote. This is not the case in Mississippi.
13. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
14. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
15. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

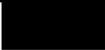
Edna 
7/21/2021
Date

Exhibit 13

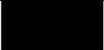
**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Elaine [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Hinds County in Mississippi.
3. I have voted in the same polling place for 30 years – the [REDACTED]
[REDACTED]. Up until the November 2020 presidential election, I had not experienced long waits in line there to vote. In past presidential elections, it would be no more than 30 minutes, or at the most, 45 minutes, “in and out” - from the time I got in line to the time I finished voting. And, in off year elections, it would be around 10 minutes or less, in and out.
4. I had expected the November 2020 election would be similar to previous elections. I went to the polling place around 10 o'clock or so, thinking that would be a good time, after people finished voting before work, but before they came to vote during their lunch hour. But there was a long line. And the back up got longer as I waited.
5. I ended up waiting a full 3 hours in line, and that was just to get to where I checked in to vote.

6. There were elderly people waiting in the line, and people with small children. People from a church brought water and snacks for people in line, and some lawn chairs, especially for elderly people so they didn't have to stand all that time. I didn't see anyone from the polling place coming down the line to let elderly people go up to the front of the line.
7. People in line were talking about how they had never seen anything like this before, the long wait in line to vote. They were taking pictures of the lines.
8. When I got to the front of the line and checked in to vote, they were using a manual check-in process on a printed, paper pollbook. This was a change from what I'd experienced at the same polling location in the more recent elections leading up to the November 2020 election. In those other elections, they'd had an electronic poll book for checking you in to vote.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

11. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:


Elaine 

7/16/2021

Date

Exhibit 14

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Filander [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Simpson County in Mississippi.
3. I live with my mother and son in Harrisville, Mississippi. On November 3, 2020, I went with my mother and son to vote at our usual polling place at the [REDACTED]. My mother has always voted at that polling site successfully in the past. My mother went in first to the table where the poll workers were seated. I was right behind her in line. The poll worker informed her that her name was not on the register. They claimed that she must have moved to a new address. I stepped up to assist my mother and explained that she had not moved and has lived at the same address for over 40 years. They then said she would need to go to another precinct at [REDACTED].
4. My mother waited while I gave the poll worker my information so that I could vote. The poll worker did not send me to another polling location, despite the fact that I live with my mother, but said that my name was misspelled on the roster, and thus I could not vote. I explained that she must be looking at my son's name, which is spelled differently than mine. My name is Filander [REDACTED], and she was looking at my son's name, which is

S. Jaylander [REDACTED]. I showed her my I.D. She was unwilling to look for my name and kept on insisting that my name was spelled incorrectly and therefore I could not vote. Then my son stepped forward, and he presented his I.D as well. She finally could see and accept that there were two different spellings of our names. She let my son and I proceed to the voting machines to cast our votes. I was insulted that she had been unwilling to check for my name spelled as Filander and had assumed that I was not registered.

5. We then took my mother to the other polling place at [REDACTED] where we were instructed to go. The poll worker at [REDACTED] said she was not on their register and instructed us to return to our original polling site. We did return again to the original polling location. Nobody helped to figure out why she was not listed on the voting register. Ultimately, they allowed my mother to turn in a paper ballot. We do not know if her vote actually ended up being counted. This whole experience was deeply frustrating and involved us running around for over two hours.

6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

8. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]

Filander [Redacted]
7/26/2021

Date

Exhibit 15

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Gordon [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jackson County in Mississippi, and my residence address is [REDACTED]
3. I am actively involved with the NAACP at both the local and statewide levels. For the last three years, I have chaired the Political Action Committee of the Biloxi branch of the NAACP. I meet many members of the Black community, and I find that many people, both young and old, are discouraged by the policies of elected Republican officeholders that negatively affect people of color, such as the policy of purging inactive voters from the voting rolls. This seems to have resulted in a lot of apathy about elections. For instance, in the June 8, 2021 municipal elections, turnout was very low in the Black community. I participate in efforts to get out the vote, as I believe elections make a difference at both the local and federal level.
4. In the last presidential election on November 3, 2020, I voted at my usual polling place at the [REDACTED]
[REDACTED] The polling place opened at 7 AM, and when I arrived

early, at about 6:45 AM, I found there was already a long line of people reaching around the back of the building. After I joined the line, it continued to grow behind me as more people arrived, extending all around the building. I had to wait in line for about an hour before I could vote, about the same amount of time I waited to vote in the 2016 presidential election. The polling place is located in a racially mixed community, about one-third Black, and I was curious to see how many Black people would be working as poll watchers. Once I was inside, I saw only one Black poll watcher, out of a total of eight to ten poll watchers.

5. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
6. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
7. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
Gordon [Redacted]
7/19/2021
Date

Exhibit 16

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Gwendolyn [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Harrison County in Mississippi.
3. During the city mayoral election in June of 2021, my son who lives in [REDACTED] [REDACTED] i, went to [REDACTED] the precinct he had always gone to for voting. He does not have a car, so he either must walk or travel by bike. The poll worker told my son he was not on the list and instructed him to go to the new polling location, the [REDACTED]. He walked to the [REDACTED] to vote. The poll workers there told him he was not on their list either and would have to go to the polling station at the [REDACTED]. That is an extremely long distance from the [REDACTED] to the polling place by the Bay. Nonetheless, he was determined to vote and walked to that polling location and finally cast his vote. He had not received any notification that his polling location had been changed and was given misinformation by the poll workers.
4. I worked the polls in the 70's and 80's, and we were trained to offer an affidavit to voters if their names didn't appear on the roll. They often would call the committee or county clerk to see where they were registered and

refer them. We were trained that if a person comes to vote and is not on the list for that precinct and does not want to have to travel to another location, that we should provide them with an affidavit ballot. This allows them to vote and place their ballot into a sealed envelope with their signature across the outside of the envelope. If the voting commission found them to be a registered voter, then their vote would count. This option was not offered to my son who had to go to three separate polling locations to vote.

5. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
6. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
7. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]

Gwendolyn [Redacted]

6/25/2021

Date

Exhibit 17

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jennifer [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Hinds County in Mississippi.
3. I am a registered voter in Mississippi and vote regularly.
4. I wanted to vote in the 2020 Presidential election. Voting is important to me because I think it is my civic duty, and while I know it is just one vote, it may be the vote that makes a difference.
5. I am a schoolteacher and our school allowed us to leave early in the afternoon and skip our planning period. The children had already gone home at that point. I had my child with me who is kindergarten age. I drove to the church where I am assigned to vote. The parking lot was completely full, and people were parking on the side of the road up to half a mile from the church. The line extended as far as the cars were parked down the road. This is a four-lane road with no sidewalk and the people had to stand on the grass shoulder in order to wait in line. I understood that it was taking up to four hours to vote. I could not wait in line with a small child on the side of the road for four hours.

6. I did go back later and found the situation even worse. The line was longer and by then it was getting dark. I made two attempts to vote in person and had to leave without being able to cast my ballot. I did not report the situation because it was happening to so many people.
7. I should have tried to vote by absentee ballot, but I didn't think it would be so hard to vote in person.
8. I do not think that it should be this difficult for someone to vote. There should be more polling locations and shorter lines.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
11. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
Jennifer [Redacted]
7/12/2021
Date

Exhibit 18

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Harrison County in Mississippi.
3. I lived for a few years in Marion County Mississippi. In 2014 or 2015 my house in Marion County, at 7 [REDACTED] burnt down and I was forced to move. I lived in various places before I was finally able to move to my current home in Harrison County in August 2020. My address here in Harrison County is [REDACTED]
[REDACTED]
4. In the fall of 2020, at least 30 days before the November 3 election, I went to the Harrison County Courthouse to update my voter registration with this new address. I filled out the "Mississippi Voter Registration Application" with my new address on [REDACTED]
5. On Election Day, November 3, 2020, I went to the [REDACTED]
[REDACTED] to vote. I was told by the poll workers that I could not vote there but needed to go to a different polling place at the [REDACTED]
[REDACTED], about a thirty-minute drive away.
When I arrived at that polling location, I was not allowed to vote on the

voting equipment but was given an affidavit ballot. While I was at the [REDACTED] polling place, they gave me a copy of the "Mississippi Voter Registration Application" which I again filled out with my correct current address on [REDACTED]. I gave this completed form to the [REDACTED] poll workers.

6. I later received a letter saying that my vote would not count because it was based on an incorrect address. With this letter I received yet another copy of the "Mississippi Voter Registration Application" which I once again filled out with my correct current address. This was the third time I updated my voter registration with my current [REDACTED] address. I mailed this copy of the form back to the Harrison County Courthouse.
7. I finally received a voter card in the mail with my current address. It is dated March 3, 2021.
8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

10. I declare under penalty of perjury that the foregoing is true and correct.



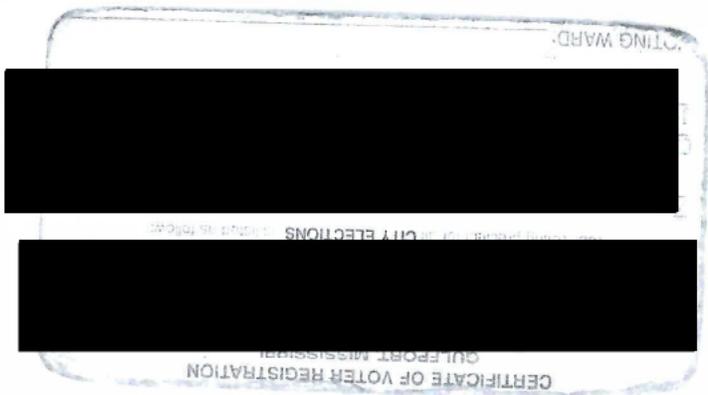
07/17/21
Date

Mississippi Voter Registration Card Registration: 08/18/1994
 Harrison County
 Issued: 12/01/2020

County: [Redacted]
 Precinct: [Redacted]
 Address: [Redacted]
 City: [Redacted]
 Precinct: [Redacted]
 Address: [Redacted]

REP	SEN	SUPR	CONG	CHC	CIR	MP	SCHB
SH119	SS48	04	USH04	8	2	GSA	4

Connie Ladner - Circuit Clerk
 Michael Watson - Secretary of State



Mississippi Voter Registration Card Registration: 08/18/1994
 Harrison County
 Issued: 03/03/2021

County: [Redacted]
 Precinct: [Redacted]
 Address: [Redacted]
 City: [Redacted]
 Precinct: [Redacted]
 Address: [Redacted]

REP	SEN	SUPR	CONG	CHC	CIR	MP	SCHB
SH119	SS48	04	USH04	8	2	GSA	4

Connie Ladner - Circuit Clerk
 Michael Watson - Secretary of State

Exhibit 19

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is John [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Forrest County in MS. *Leflore*
3. I have problems walking and have to get an absentee ballot. I voted absentee in the 2020 presidential election. To request a ballot, my wife went with my license and social security card to the Clerk's office.
4. The ballot usually then comes in the mail but someone has to go to the Clerk's office to request it. After she does this, it comes in the mail. My wife dropped the ballot off in the drop box for me.
5. However, I did not vote in June 2021 local election for the city council and mayor, because I applied for my ballot but it was not sent for that election. I did not receive a ballot in the mail, and there was no one to bring me one. No one is keeping me from voting but I need to be able to get my ballot. My wife would have been able to bring me my ballot if I didn't receive it but now she is sick.
6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

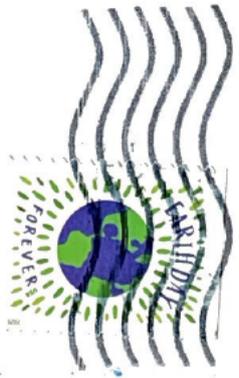
7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.


John 

7, 26, 2021
Date



JACKSON MS 390
21 JUL 2021 PM 2 L



Fair Fight Action
Voter Protection - Declarations
1270 Caroline Street, NE
Suite D120-430
Atlanta, GA 30307

30307-295440



Exhibit 20

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Joyce [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Perry County in Mississippi.
3. I feel like I don't want to vote anymore. I am a competent voter, and I was brought up in a voting environment and with the NAACP. I know the rules and regulations. I was a poll worker for many years. We get out there and bust our butts. We advocate. We fight every day. But in the end, we are discriminated against.
4. For example, for the 2016 Presidential Election I experienced discrimination when I applied for my absentee ballot in Copiah County. I needed to vote early because I had a Doctor's appointment out of town and wouldn't be able to vote on election day. When I arrived at the County Courthouse, I was the only patron in the office. No lines. No one else waiting. Nothing going on. The lady working there made me wait for 20 minutes saying things like, "oh don't worry...I'll be with you in a minute," and, "any second my associate will be back from lunch and she can help you." Meanwhile 20-30 minutes go by and this woman is acting like she's on the phone and shuffling paper around on her desk to look busy. If you are African-

American, they assume you are a democrat. They want you to go away.

They want you to get tired of waiting. They make it as difficult as possible.

5. When then clerk who was pretending to work finally helped me, she said I wasn't registered to vote in Covich County even though I knew I was. I know the rules and regulations. I assured her I was registered, and I showed her my state issued driver's license to prove it. She looked at me and said I had to produce a document of residency where I pay my bills. I showed her my utilities statement.
6. She finally had to give me the paperwork to receive my absentee ballot because I had provided all the supplemental documentation she asked for. I filled it out right then and there and the ballot was witnessed and notarized.
7. In Mississippi, there are businesses who don't want to serve you. I go into places and they give me the runaround. They say things like " sorry, we don't offer that particular service today." They tell me to "come back tomorrow." But to experience that same kind of discrimination at the courthouse, makes me want to give up voting. That's what they want. For us to give up. It's depressing. It makes me truly sad. Dealing with these kind of episodes makes me feel like I don't want to vote anymore.
8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.

[Redacted Signature]

Joyce [Redacted]

07-27-21

Date

Exhibit 21

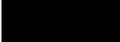
**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Karen [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Warren County in Mississippi.
3. On Election Day in 2018 (it was either the general election or the runoff election for the Senate seat), I went to my polling place at the [REDACTED] [REDACTED] on my way home from work. I am a state employee – in the University of Mississippi system – and I happened to be wearing my employee ID around my neck, so I showed that ID to the poll worker as my voter ID. It is a photo ID, with my first and last name, and it identifies me as an employee of the University of Mississippi, which is a Mississippi government entity.
4. I knew that my ID met the requirements for voter ID because it was a government employee photo ID. However, the poll worker asked if I had another ID, and specifically asked me if I could show her my Driver's License. When I asked why she was asking for another ID, she didn't give a very clear explanation, but I got the impression that she thought that a University of Mississippi ID would only be acceptable if it was a student ID. Of course, for me, this was my ID as a government employee, and I knew

that it met the voter ID requirement, but the poll worker didn't seem to understand the rules. I didn't want to push the matter and create an issue, so I just got out my Driver's License and showed her that.

5. It made me wonder what would happen to someone who didn't happen to have a Driver's License and wasn't as knowledgeable or confident about the voter ID rules as I am. And, frankly, even though I knew the rules well enough to know that my government employee ID was sufficient, I don't know if I would have been able to convince the poll worker of that. I didn't get the impression that she was being malicious, but just that she wasn't well-trained on the details of the ID requirements.
6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

Karen 
6/16/2021

Date

Exhibit 22

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Kim [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of DeSoto Parish in Mississippi.
3. On Tuesday November 3rd 2020 I went to vote at my local polling place, the [REDACTED]
[REDACTED].
4. I arrived around 4:45pm and although the weather was nice it had begun to get dark.
5. There were already a lot of people in line. I work in the healthcare industry, so I automatically noticed the large numbers of elderly and people with walkers and wondered why there wasn't a separate door for them to go vote and have their needs met.
6. Despite needing knee surgery, myself, I got in line. I was determined to vote.
7. I had already been in line about an hour when an elderly man, at least eighty years old, walked past me to go wait in line.
8. I stood looking around because, I thought, he must be going to meet someone already in line. He couldn't have been all alone, I said to myself. But it turned out, he was all by himself.

9. I noticed that some people in line started to let him go ahead of them. We were all standing 6 feet apart, so the line was a fair distance.
10. It took another hour of waiting for me to reach just inside of the polling place. I noticed that someone who had been waiting in the line had brought the elderly man to close where I was standing. I thought, maybe she knows someone who works at the polling place. She brought him inside and a female poll worker asked if he would like a chair. The poll worker returned with a chair, and he sat down. I overheard her say to him, “Don’t worry, I’ll go get your information.” She returned with his paperwork on a clipboard and then took him by the arm and helped lead him into the interior room, I assume to help him go vote.
11. I didn’t see him after that. The lines were still very long to get into that interior room to go vote.
12. When I left, almost 3 hours later, it was close to 8pm and dark, I noticed that the outside doors had been closed but there was still a long line inside.
13. Despite my knee pain, I was happy I’d voted, but by the time I got home, I was “stiff as a robot!”
14. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

- 15.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 16.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:


Kim 
7/21/2021

Date

Exhibit 23

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Layla [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of DeSoto County in Mississippi.
3. I moved to Mississippi from Illinois about 7 years ago and have lived in DeSoto County since I moved to Mississippi. In 2019, I moved to my current home in DeSoto County, just a short distance from the state line with Tennessee.
4. I work a 7 PM to 7 AM shift as a nurse. For the November 2020 election, I had hoped I could leave work at the end of my scheduled shift and head straight to the polls, about 30 mins away, but due to a patient emergency, I worked until about 8AM and then headed to my polling place after my 13 hours at work.
5. There were very long lines at my polling place, the [REDACTED] [REDACTED]. It took me a full two hours from the time I got in line to the time I finished voting. All but about 15 minutes of that was standing in line outside, with no place to sit and no protection from the elements. There were hundreds of people in line when I arrived, and the lines got longer while I was there. It seemed like there were nearly twice as many people in

line by the time I finished voting as there were when I first got in line. This was during a heavy time in the COVID pandemic, but, fortunately most people in line were wearing masks and trying to keep socially distant.

6. Parking was difficult. My husband had gone to the polls when they first opened, and he texted me from the line to tell me that there was parking in the church's parking lot even though you couldn't see that from the road. When I arrived, I saw that a lot of people had parked on the grass on both sides of [REDACTED] the country road that leads up to the church. I parked there too because it seemed easier than trying get in and out of the parking lot with all that was going on. It's a good thing I did that because there was a lot of chaos in the parking area, with a long line of voters zigzagged through the paved parking lot and into the gravel overflow lot, and people directing traffic in and out.
7. While I was waiting in line, I could see people who parked in the handicapped parking go up to the front of the line and talk with someone at the entrance to the polling place, and then they were allowed to sit on the bench or one of the two folding chairs at the entrance. When I got up to the entrance myself, I heard the poll worker talking to a gentleman with mobility issues. She asked him if he had "checked in" and when he said "yes", she pointed him to the bench and chairs to sit and wait his turn to vote. I

wondered how someone got to “check in” because I didn’t see any signs for that, and while I was waiting in line, I didn’t see any poll workers come down the line to ask anyone about “checking in”.

8. This was the first time I had experienced long lines when voting. And of course, I was tired after my 13-hour shift, so the 2 hours was a really long wait. I was surprised when I first learned that there was only one day to vote in Mississippi. It just seems like common sense for people to be able to vote early and pick a day that works for them. If I had had the option to do early voting, I would have chosen a better day for me to vote, not one that came after a long overnight shift.
9. It seems strange to me that the rules are different depending on where you live. When I lived in Illinois, I could vote early. But, here in Mississippi, I can’t. However, my cousin, who lives just 30 minutes away from me can vote early because she lives on the other side of the state boundary line -- in Tennessee. She was able to pick an early voting day when she could bring her elderly mother along to help her mother vote.
10. On one of the election days in 2018, when I was living in my previous home, I went to my regular polling place but they told me that my polling place had been moved. I hadn’t received any previous notice that my polling place had been moved, but I went to the new one – it was actually the same polling

place that I am assigned to now, at my current residence, but I didn't experience a long line then like I did this time. My current residence is around a 10-minute drive from my previous home, and there has been a lot of building going on in the whole area. I don't know if there are more people assigned to my polling place now.

- 11.** Voting is very important to me. I live in a part of the country that I've always felt was dangerous for people like me – for African Americans – considering all the bad things that have happened over a long time. And there were many people that came before me who were not allowed to vote. So, I want to vote to help make my country a better place for my children, and for everybody's children. And in the 2020 election, I had a special reason to vote. There was a measure on the ballot to take the confederate flag out of the Mississippi state flag, and change the state flag to a new one that happened to be designed by a young, African American woman. I was so upset by the idea of African American children going to school with a confederate flag flying over their heads. I wanted our state flag to change.
- 12.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

- 13.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 14.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

Layla 
6/22/2021
Date

Exhibit 24

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Loren [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Hinds County in Mississippi. My residence address is [REDACTED]
3. I feel like my vote in the November 3, 2020, general election has been taken away. I waited in line for at least an hour to vote, so that I could support State Constitutional Initiative 65, which was very important to me and my family. What was important to me was that Initiative 65 gave doctors more power, instead of politicians, over the use of medical marijuana.
4. But after Initiative 65 passed with 74% of the statewide vote in Mississippi, a local mayor filed a lawsuit against it over some technicalities, and she won. The Mississippi Supreme Court agreed that the state's whole initiative process needs to be overhauled and threw out the new law.
5. My father-in-law died of cancer last year. For a while he used marijuana gummies to help ease his pain, and I saw what they did for him. I believe that the radiation he had to undergo killed him, but when he used the gummies, he got the best night's sleep of his life.

6. The court decided that until state lawmakers fix the initiative process, whenever that is, Mississippi voters cannot use it. Not at all. So not only was my vote taken away, but they also took away my ability – the voters’ ability - to help fix this whole mess.
7. Since the election, I have become a member of a group known as “We are the 74,” which stands for the 74% of the Mississippi electorate who voted for Initiative 65, and I’ve been active on Facebook. I’ve also taken my family to protest rallies over all of this.
8. I was raised to believe that all politicians are crooked, that we shouldn’t trust the government, that it’s all rigged. But I want to teach my kids that’s not true. The government may have screwed this up, but eventually I believe there will be a good outcome. I want my kids to know that our vote counts.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

11. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:


Loren
7/16/2021

Date

Exhibit 25

DECLARATION UNDER PENALTY OF PERJURY
PERSUANT TO 28 U.S.C. § 1746

1. My name is Michelle [REDACTED] I am over eighteen years of age and competent to testify to the matters contained therein.
2. I am a resident of Byram in Hinds County, Mississippi.
3. I'm fortunate to belong to a close-knit family in a close-knit community. Our participation in civic life, including voting, is a family affair. My personal experience of undue bureaucratic barriers to voting and of intimidation centers on four elections: the presidential elections of 2012, 2016, and 2020; also the midterm elections of 2018.
4. In the wake of the Obama presidency, my children (college students) and my mother, age 78, were subject to increasing and capricious demands to present photo ID. My mother does not have a driver's license. The \$30.00 fee she was informed in 2020 she would have to pay for a state ID presented a hardship both for her and for my immediate family, struggling to pay college tuition.
5. I have three kids who studied in recognized local institutions: one in a community college and two in a 4-year college. In their efforts to vote in 2020, they were falsely informed that their college (photo) ID was unacceptable.

6. And yet my neighbor, who holds Mississippi fishing and hunting licenses (which are thin paper with no photo), was able to present these as ID to vote. Visually, I think these documents are far inferior to university photo ID, yet the State of Mississippi clearly esteems them more highly. Few people in our immediate community take out fishing licenses—the interest isn't there—and hunting is something we by and large shy away from.
7. In 2016, our long-awaited vacation coincided with the elections. The state is quite specific regarding justifications for absentee voting. We found the questions we were subjected to regarding the precise details of our location and movement—when we had not yet had time to finalize our plans—intrusive and discouraging. We were unable to secure absentee ballots for that election due to the fact that we didn't meet the stringent criteria for getting an absentee ballot, which felt belittling and intimidating, and we had to delay our departure until after we had voted.
8. For the Presidential elections of 2012, I was dismayed to see state troopers prominently positioned at the local church, which is also our polling place. Their overall effect was, to say the least, forbidding and intimidating.

- 9.** In 2012, I went to the polls with an Obama shirt, and my daughter wore a Black Lives Matter shirt, and we were made to go home and change the shirts before we could vote.
- 10.**In 2016, I was not allowed to render any assistance to my mother-in-law, who was 75 and legally blind, while she awaited her turn. I, an immediate relative, was not allowed to help her overcome the limitations created by her disability.
- 11.**In 2016 (and in other elections), the ballot didn't list whether the candidates were Democrats or Republicans. I knew the parties of the candidates at the top of the ticket, but not for all the more local candidates, which undermined my ability to vote for the person who best reflected my values.
- 12.**In the 2018 midterm elections, I and several other people I know received a pamphlet in the mail reminding me to vote in the election. However, the election day listed was actually the day after the real election day. This felt like they were trying to trick people out of voting.
- 13.**Also in 2018, I went to my usual polling place and stood in line for 2-3 hours. When I got to the front of the line, the poll worker told me I had to go to a different polling place – they told me the name but not where it was. When I got to the new polling place, I had to stand in line again for

another 2-3 hours. I had not been notified beforehand that my polling place had changed. I missed nearly a whole day of work just to vote.

14. In the presidential elections of 2020, I had to twice wait my turn on line.

I'd forgotten my COVID-19 mask in my car. We had been assured that fresh masks would be ready and available in the polling site. Finally at the front of the line, I was told I'd have to go out and secure my own mask. After I returned from my car, I started out from scratch once again. On both occasions, the line and delay were substantial, increasing the time I had to take off from work.

15. In my experience, the crackdown on the measures that would facilitate

the process of voting goes back to 2012, the second Obama contest. I find this particularly unsettling at a moment when computer technology could easily be providing greater flexibility when it comes to ID requirements, absentee balloting, early voting, and drop boxes for ballots. In Mississippi, we seem to have gone into reverse gear. I fear the long-term effects—social, economic—of this misguided shortsightedness.

16. I give this Declaration freely, without coercion, and without expectation of compensation or any other reward.

17.I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way other than as a witness.

18. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted]

Michelle [Redacted]

7/22/2021

Date

Exhibit 26

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Nathaniel [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Forrest County in Mississippi.
3. I wanted to vote in the presidential election in 2016 for Hillary Clinton and in the 2018 Senate election for Mike Espy. Even though I had registered to vote for both of those elections, both times I was told when I arrived at the polling location that I was not registered to vote there.
4. Voting is very important to me. It is my right, my obligation, and my respect to my ancestors and to everyone in my family. To me it would be disrespectful not to vote.
5. I have a strong family tradition of voting. My great-great grandfather and great-great grandmother both died being unable to vote due to African Americans not having the right. From then on my family has always made a big effort to vote. In my family, if someone is not voting, you know they are volunteering as a poll worker. I've had an elderly relative who, even when she found it difficult to walk, made sure to vote by absentee ballot. We've had family members who could not read well but still made sure to go vote.
6. I also feel obligated to my country to vote. The person who is in office represents this country, and if we don't vote we run the risk that the person who

is elected might be unfit for that job. It might seem like there are so many millions of people in America that it doesn't matter if each individual person votes, but it does. It is our one chance to get our voice heard. If I don't vote, that's like I'm casting a vote for the other candidate. So, I feel an obligation. I care about our country and who represents it.

7. I served in the military from 2013 - 2019. I am also a certified nurse assistant (CNA). Military service is heavy on both sides of my family, and if you are not in the military you are probably a nurse. I am both, and I also have a cousin who is both. My uncle served in Vietnam and both his daughter and his son served; my cousin served in Desert Storm.
8. I've been registered to vote since I was 18. As soon as I was old enough to vote, I registered. I believe that was in 2008, I was in college and I voted for Obama. I have voted in every election since then until 2016, when I was first turned away from the polling location.
9. I was originally born and raised in Monticello, Mississippi, in Lawrence County. I never had any trouble voting there. I moved with my father to Florence, Mississippi, and had no trouble voting there either.

10. In 2013, I moved to Silver Creek. When I first moved to Silver Creek, I registered to vote when I went to the local DHS for EBT. The people there always offer to register you to vote. And I did, I checked yes. The option is on that paperwork.
11. From there I went to basic training. Four months later, when I finished basic training, I came back to Silver Creek.
12. In 2016, I was living at the edge of Silver Creek and working in [REDACTED] [REDACTED] in New Hebron.
13. On Election Day 2016, during my 30 minute break from my work [REDACTED] [REDACTED], I went to try to vote at my local voting location, which was a local church in Silver Creek. They told me I was not able to vote. They said I was not registered. I knew I had registered, but they said I would have to go where I was registered, which was in Jackson, about a 45 minute drive to an hour drive from there. So I couldn't go vote.
14. I had thought about both candidates carefully - Hillary Clinton would be the first woman president, and that was a big step for women's rights. And I didn't know much about Donald Trump at the beginning, except that he was a businessman who had been bankrupt a few times, but also because he was a businessman, he might help the economy. But I decided to vote for Clinton

and I went that day to cast my vote. When I was turned away and told I had to go to the Jackson location, I was unable to vote in the 2016 election.

15. When I could not vote in the 2016 election, I thought maybe there had been a misunderstanding about my paperwork, and these things can happen. Even though I knew that when I moved to Silver Creek I had registered.
16. But in the next election that I tried to vote in, for Mike Espy, again they could not find my registration, and again I knew that I had registered, and I had to go to two different polling locations and they both said they could not find me. That's when I was confused. Because I had registered to vote and still they could not find my registration.
17. I had registered with a man who was sitting in a booth in advance of the Espy election and registering people to vote. I wanted to vote for Mike Espy because I liked what he was saying. The man in the registration booth and I talked for a while, and he asked if I had been registered yet in Prentiss, which is in Jefferson Davis county, and I said no. Then I registered to vote and I made sure to update my address. So now I had registered to vote in Prentiss. Wherever I move to, I always make sure to register to vote in that area.
18. On Election Day in 2018, I went to my local polling location to vote for Mike Espy. It was the [REDACTED]. They turned me away, and

told me I was not registered to vote there, and that I would have to vote in Silver Creek.

- 19.** Then I went to Silver Creek to the voting location, and there I was also told I was not registered to vote. They said what I could do was fill out a provisional ballot and that would be my way of voting for the year,. But it didn't make sense to me. Because if I wasn't registered there, and I wasn't registered at the other place, then where was I registered to vote? I really don't think my vote got counted that year, because they told me I wasn't registered at either place. They do your voting based off of your seat, and I'm worried my vote didn't count. It didn't make sense- where was I supposed to vote?
- 20.** If I was still living in Jefferson Davis County at that time period, and it would have been time to vote in the 2020 election for either Biden or Trump, I wouldn't have had an option to vote because I was never told where my polling place was.
- 21.** I now live in Hattiesburg, Mississippi, which is a more diverse place - it's a college town. I registered to vote when I moved here and was able to vote without any problem with my registration in the 2020 election. I waited about an hour to vote, and was able to cast my ballot.
- 22.** I think back to the two elections where I was told that I wasn't registered, and I feel like I got the runaround. At the time, it seemed like it might just be

a misunderstanding, especially the first time, but the older I get, and the more I learn about systemic racism, the more I wonder about the fact that the two times I had trouble voting were when I was living in majority African American counties. Whereas when I've lived in more diverse counties, I've had no problems voting in every election.

23. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
24. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
25. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:


Nathaniel 

7/20/2021

Date

Exhibit 27

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Patsy [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.

2. I am a resident of Hinds County. My address is [REDACTED]
[REDACTED]

3. For the past 27 years I have been living in my home in a somewhat rural neighborhood of Jackson. I always vote on election day. I do have an early voting option but it is not convenient since the only place I can vote early is at the [REDACTED] which is 8-10 miles from my home where it is difficult to park.

4. My polling location has rotated between [REDACTED]
[REDACTED]
and [REDACTED] all of which are within a few blocks from my home.

5. Over the past few years my polling location has been exclusively at [REDACTED]
[REDACTED] which is located at the corner of [REDACTED] and [REDACTED]
[REDACTED] and both of which are two-lane roads with no pedestrian sidewalks. Since the fire station does not have any public parking and there is no safe way to park along [REDACTED] because of the trees on one side and a ditch on

the other side, the only option available to voters who arrive by car is to park on the grass alongside [REDACTED] opposite side of the road from the fire station. A photo of [REDACTED] No Parking is attached as Exhibit A.

6. Voters then must walk on the grass alongside [REDACTED] same side of the road as the fire station until they reach the paved driveway leading into the fire station where they vote. A photo of [REDACTED], left side to park, right side to wait on line is attached as Exhibit B. The grass is not a very suitable pathway for walking let alone waiting in line and can be very hazardous because there are patches of uneven grass and other patches of grass with gravel mixed in.
7. Unlike many voters who work full time and who must vote either before or after work when the lines are usually long, I can vote any time as I am a retired state employee. In past elections I have always shown up at either at 10:00 or 2:00 when the lines were quick and I was in and out in 5 minutes.
8. For the 2020 general election I drove to the fire station and parked my car on the grass on [REDACTED] It was 3:00 and there was already a long line even though this was not typically a time of day where there would be long lines. I waited in line for 45 minutes to an hour because there was such a large turnout of voters and we were required to maintain 4 feet of distance because of the pandemic.

9. While in line I noticed that the couple in front of me was having a very difficult time because the wife was in her wheelchair and her husband was trying to move her forward in the line. At some point one of the wheels popped off probably because there was so much stop and go while waiting in the line and because of the uneven grass along [REDACTED].
10. Luckily the wife had a cane with her so she could continue walking in line including walking up the paved driveway for the last 10 to 15 minutes before entering the fire station. Attached is a photo of the uphill driveway to the fire station as Exhibit C. The husband managed to put the wheel back on so when his wife was just standing and waiting, she could at least sit in her wheelchair.
11. I did not see any poll workers outside manning the line to make sure that the disabled and elderly were okay or to help them move to the front of the line.
12. We were lucky that the weather was cool and overcast. If it had been raining, we all would have been soaking wet while waiting in line.
13. I am not sure why the polling location rotation stopped especially when the two churches have adequate parking and there is no parking at [REDACTED]
[REDACTED]
14. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

15. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

16. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted]
F486BB14F6BB46B...

6/14/2021

Date

Exhibit A
Photo of [REDACTED] No Parking



Deep ditch



Exhibit B

Photo: [REDACTED] **Left Side to Park, Right Side to Wait on Line**



Exhibit C
Photo: Uphill Driveway to the Fire Station



Exhibit 28

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Prince [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Harrison County, Mississippi.
3. I have voted in Mississippi since 1979. I am 86 years old.
4. I have lived in several places in Mississippi over the years. In 2014, I moved to Harrison Country.
5. Before this most recent election in 2020, I have always voted in person.
6. During the most recent election in 2020, because of COVID and because of my age, I called the County Circuit Clerk's office to request an absentee ballot. They mailed the ballot to me, and I filled it out.
7. I am lucky enough to have a neighbor who was kind enough to drive me to my bank so that I could get the required notarization. Because I am a long-time customer of the bank, I did not get charged for the notarization.
8. I put the notarized ballot into a mailbox. So far as I know, my ballot was received and counted.
9. Because I am 86 years old, it would be easier for me to vote absentee in future elections, even if COVID is no longer an issue.

10. Moreover, it would be much easier if I were not required to have the ballot notarized, so that I did not have to find someone to make a special trip to take me to the bank.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
111480370FC10491
Prince [Redacted Name]
7/15/2021
Date

Exhibit 29

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Queen [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Davis County in Mississippi, and my residence address is [REDACTED]
3. I believe that voting is a human right. It is an opportunity. It is important that we all exercise our right to vote.
4. I first got involved with voting rights in my early 20's. My husband and I walked the streets of Los Angeles, where we lived. We canvassed for mayoral candidates in both Los Angeles and Inglewood, California. My husband and I worked as a team. This was such a positive experience.
5. I lived in LA from 1957 to 1990 and then returned to Mississippi, where I was raised, to help my aging mother. I never left again. My husband and I have continued to be involved in voting in our community. My husband became the President of our local NAACP for the Prentice area of Jefferson Davis County in 2002. We worked together to promote civic engagement. We led workshops, rallies, and voter registration drives across the entire county. I have given talks at our high school about the importance of voting and how to register for the past 8-10 years.

6. I have also been a poll worker in Jefferson Davis County for the past 15 years. In that role, I have been able to observe the lines of voters waiting to vote over multiple years in my community. We are a small town and usually the lines are short. The lines move particularly fast in the 4-7PM time. Working people leave work, vote on the way home, and they are very prepared. They have their IDs ready and usually wait just 5-8 minutes. In this small town everyone knows each other. If someone has to leave the line, they always come back. I have never seen intimidation while in line. People are motivated to vote.
7. A few years ago, when the regulations about IDs got stricter, voters complained about the changes. They were a little frustrated learning the new regulations. If they didn't have a proper ID, we provided them with an affidavit and a provisional ballot to vote and then pointed them back to the office in City Hall to rectify whatever their ID problem was. They could vote in this way.
8. There is the possibility of absentee voting in our town, if the person has an excused absence or is disabled. The ballot must be notarized and initialed by the county clerk. As a poll worker, we have a list of those voters who are acceptable for absentee voting. They can always get the ballot notarized in City Hall so they don't have to pay privately for the notary.

9. I have always been able to vote because I understand all the regulations and teach others about them. I have noticed, however, that not all voters' are as informed and they often do not have knowledge of the candidates and voting regulations so that they know what to do when they come to the polls.
10. I have noticed that the ballot questions are too wordy. For example, we just had a question here in Mississippi regarding marijuana for medical use. The paragraph describing the issue was so long and confusing that that it was difficult to understand what you were voting for.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
[Redacted Signature]
Queen [Redacted]
8/11/2021

Date

Exhibit 30

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Ricky [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Wilkinson County in Mississippi and my residence address is [REDACTED]
3. I am a lifelong Mississippi resident. I'm sixty years old and I have been registered to vote since I was seventeen or eighteen.
4. During the 2012 presidential primary election, I had an experience where my voter registration card was not accepted at the polling place, I was told I needed a photo ID. I was voting at the community center on Highway 24. I didn't understand why I had to have a voter registration card if I still needed to show a photo ID.
5. I showed my ID and was able to cast my vote, but the poll workers said if I didn't have my ID I couldn't have cast my vote.
6. There was a time I registered for an absentee ballot. I cannot recall which election that was. I refuse to do that again. I had to give a special reason to vote absentee. I was able to submit the ballot, but I had to provide a reason why I wouldn't be able to go to the polls. I was able to turn my ballot in at the Circuit Clerk's office.

7. I sometimes have to take off work to vote. If my work doesn't let me go, I take off to vote.
8. During the 2020 presidential election, the polling location was moved from the community center over to the church, and I didn't know until I arrived there to vote. I was still able to make it to the church and cast my ballot.
9. At the new polling location, parking was difficult. There's much more limited parking at the church.
10. I have experienced long lines in the past. I usually go early in the morning. One time I arrived to be second in line, but it was before the polls opened, so I waited thirty minutes.
11. There was a time that the voting machines weren't working. A technician finally arrived to fix them, but I had to wait maybe an hour or more. I believe that was the 2012 presidential election.
12. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
13. - I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

14. I declare under penalty of perjury that the foregoing is true and correct.

[REDACTED]

Ricky [REDACTED]

8-4-2021

Date

Exhibit 31

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name Stephanie [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Marion County in Mississippi.
3. My passion about voting started very early, as I am a child of the 1960's voting rights struggle. I was born in Columbia, Mississippi in 1958, the youngest of six children. Among my earliest memories is a NAACP meeting held in our home by my father, Aaron [REDACTED] with two local Black members and two White northerners who had come to Mississippi to register African Americans. I vividly recall a deputy sheriff coming to the door and demanding "Do you know who you have in your house?" But my father, who served as president of the local NAACP, would not be intimidated. I remember attending voting rights rallies in the early 1960's at John the Baptist Church in Columbia. White sheriff deputies would be standing in the back of the church during these rallies.
4. It was not until after passage of the 1965 Voting Rights Act that my parents were able to register to vote. Once my parents were finally able to register, they were very regular and conscientious voters, anxious to exercise their rights as citizens. When my father retired from his last job as a tally clerk at

Georgia Pacific in the late 1970s, he became an election worker at Marion County polling locations.

5. As soon as I turned 18 years old in 1976, my parents encouraged me to register to vote. I was so proud!
6. I left Mississippi for some time and lived and worked in other parts of the country. Inspired by my parents' example, when I returned to Mississippi in 2001, I worked to help other people register to vote. When I retired in 2017, I too became an election worker at Marion County polling locations.
7. On November 3, 2020, I was working as a poll worker at the [REDACTED] [REDACTED] polling location at [REDACTED] Ten to fifteen voters who came into this polling location, where they had been voting in prior elections, were told by us, the poll workers, that for this federal election their polling location had been switched to the [REDACTED] [REDACTED] polling location about 5 miles away. Some of these voters had come in shortly before the polls closed at 7:00 pm. Other had come in during their lunch break. I do not know how many of these people were able to get to their changed polling location and cast their ballots. To the best of my recollection, all of these people were Black.
8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.


Stephanie 

8/1/21
Date

Exhibit 32

**DECLARATION UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Tysheann [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Grenada County in the state of Mississippi.
3. In 2014, while an undergrad at Ole Miss, I tried to vote at the polling station across from the campus. I was told that I was not allowed to vote there, and that I would have to drive back to Grenada at my residential polling place in order to vote. By the time I would have driven there the polls would have closed, so I was unable to vote that year.
4. In 2016, I was a Mississippi resident registered in Grenada, MS. I voted absentee in 2016 for the Presidential election, because I was still out of state attending school. I was charged \$10 for each document I HAD to get notarized in order to vote. This was a hardship. It was my first year of graduate school and funds were extremely tight. It didn't help that that was my last \$20. In my opinion this is equivalent to charging a poll tax.
5. The instructions for the absentee ballot were very confusing. It was unclear which pages needed to be notarized, where to sign and how the ballot should be mailed. The notary public tried to help me figure out the correct procedure but was confused as well. The ballot packet said that if the ballot

was not filled out and mailed correctly, that my vote would not be accepted.

So, I am not even sure if my vote was counted.

6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:


Tysheann 
7/1/2021

Date